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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 10734/2018, CM No. 41835/2018  
KAMLA ..... Petitioner  
Through: Mr. Manish Bhardwaj, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION  
..... Respondent  
Through: Mr. Ajjay Arora, Adv. with  
Mr. Kapil Dutta, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**  
% **26.03.2019**

1. The present petition has been filed by the petitioner with the following prayers:-

*“It is therefore, most humbly and respectfully prayed that in view of the above noted facts and in the circumstances of the case this Hon’ble Court may graciously be pleased to:*

*A) issue a writ of mandamus or any other appropriate writ, order or direction to quash and set aside the notice dated 30.05.2018 issued under Section 349 of the Delhi Municipal Corporation Act 1957 issued by the Respondent; and*

*B) issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent not to proceed with any further demolition and actions pursuant to the aforesaid impugned notice; and*

*C) pass such further or other orders which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”*

2. No counter affidavit has been filed. It is the submission of learned

counsel for the petitioner that no demolition order has been passed and even if passed, the petitioner has not received the same.

3. Mr. Aroraa states that he shall supply a copy of the demolition order to the learned counsel for the petitioner. If that be so, the petitioner shall be at liberty to approach the ATMCD within four weeks after receipt of the demolition order from the learned counsel for the Nr. DMC. Till such time, the protection granted by this Court on October 08, 2018 shall continue to operate.

4. The petitioner shall file an application for stay, which shall be considered by the ATMCD in accordance with law for the continuance of the interim order.

5. It goes without saying that the ATMCD shall decide the appeal in accordance with law.

6. The parties shall be at liberty to take all such pleas, as available on facts and in law.

7. Petition stands disposed of.

*Dasti.*

**V. KAMESWAR RAO, J**

**MARCH 26, 2019/ak**