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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3826/2020 & CM APPL. 13706/2020 (stay)

HIMANSHU SHARMA Petitioner

Through: Petitioner in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION
THROUGH ITS COMMISSIONER.

.... Respondent

Through: Mr. Tushar Sannu, SC for SDMC
with Ms. Ankita Bhadoriya,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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30.06.2020

1. The hearing was conducted through video conferencing.

CM APPL. 13705/2020 (Exemption from court fee)

2. Exemption allowed, subject to the condition that the applicant/petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.

3. The application stands disposed-off.

W.P.(C) 3826/2020 & CM APPL. 13706/2020 (stay)

4. The petitioner is aggrieved by the demolition order dated 16.06.2020 passed by the respondent-South Delhi Municipal Corporation. He submits that due process has not been followed and he has not been given a chance to put up his case. He

contends that the building in question is an old one constructed by his grandfather. He has annexed the photographs of the same to the petition (Annexure I and J), to show that it is an old building on which some repairs have been carried out. Therefore, the same cannot be construed as a new construction or its being contrary to the building bye-laws.

5. In the circumstances, this writ petition shall be treated as the petitioner's representation to the Corporation, due hearing will be accorded to the petitioner and decision shall be taken by the Corporation in four weeks. The same shall be communicated to the petitioner in two weeks thereafter. It is expected that till then, the Corporation will not take any adverse action in terms of the impugned order.
6. Should the petitioner still be aggrieved by the decision of the Corporation, it will be open for the petitioner to take recourse to remedies, as may be available in law.
7. The petition, alongwith pending application, is disposed-off in terms of the above.
8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 30, 2020

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