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

+ W.P.(C) 4183/2020 & CM Nos. 15054/2020, 15055/2020 &
15056/2020

M.K. MUKHARJI Petitioner
Through: Mr. Vinayak Mehrotra, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent
Through: Ms. Richa Dhawan, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **14.07.2020**

1. The hearing was conducted through video conferencing.
2. This petition seeks the following reliefs:

“...(i) Issue an appropriate writ or direction quashing Demolition Order No. D/466/AE(Bldg)/South Zone/2020 dated 08.07.2020 passed by Respondent;

(ii) Pass any other such orders that this Hon’ble Court deem fit and necessary in the facts and circumstances of this case...”

3. It is the petitioner’s case that while the corporation had first issued notices apropos deviations in the courtyard and other portions of the property, they seem to have not issued notices apropos a washroom in the garage on the ground floor for reasons best known to them.
4. Be that as it may, the petitioner claims protection under The National

Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 since he is a 95 years old citizen and is under the care of a regular nursing staff. He further submits that the issuance of notices had possibly deliberately been irregular because it is in the knowledge of the corporation that the petitioner's son is the owner of 66% of the property while the petitioner and his daughter are the owners of rest of the portion i.e., the remaining 34%. Notices ought to have been issued to all the owners as per law. But for reasons best known to the corporation it was not so done.

5. Be that as it may, the learned counsel for the petitioner submits that the petitioner would represent his case before the corporation, therefore, till then the operation of the demolition notice be stayed.
6. In the circumstances, this petition shall be treated as a representation by the corporation and a decision shall be taken within the next four months after according due hearing to the petitioner. Notices will also be issued to the other owners of the property at such address as may be furnished by the petitioner.
7. The learned counsel for the corporation states upon instructions that till then no precipitate action shall be taken against the petitioner.
8. The petition is disposed off in the above terms.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

JULY 14, 2020/kk