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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4613/2020**

HARI OM KAUSHIK & ANR.Petitioners
Through: Ms Manisha Mehta, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Mr Kapil Dutta, Advocate for
NDMC.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **28.07.2020**

1. The hearing was conducted through video conferencing.

CM APPLN. 16678/2020 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed off.

W.P.(C) 4613/2020 & CM APPLN. 16677/2020 (Stay)

3. Issue notice.

4. Mr Kapil Dutta, the learned counsel accepts notice on behalf of the respondent/NDMC. With the consent of the parties, the petition is taken for disposal.

5. The petitioner seeks the following relief(s):

“a) Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the respondent North Delhi Municipal Corporation to not to take any coercive action against the property no.471 D/S, New Rajinder Nagar, New Delhi.

b) Grant an opportunity of personal hearing to the petitioner before taking any coercive action.”

6. The petitioner is aggrieved by the notice dated 16.07.2020 issued by the Corporation which was pasted on property bearing number 472 Double Story, New Rajinder Nagar, New Delhi apropos the unauthorized construction. It is argued that the said notice is misdirected because although the notice bears his name i.e., Hari Om Kaushik/owner/builder, but the notice is not applicable to him because he is the owner of property number 471 Double Story, New Rajinder Nagar, New Delhi and not of property no. 472, as mentioned in the said notice.
7. In the circumstances, the said notice would not be applicable in the case of the petitioner and it shall be treated as *non-est* as far as the petitioner is concerned. It will be open to the Corporation to take action apropos the aforesaid property number 472 Double Story, New Rajinder Nagar, New Delhi. No adverse action shall be taken apropos the petitioner's property which bears a different number i.e 471 Double Story, New Rajinder Nagar, New Delhi.
8. The petition, along with the pending application, stands 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 email.

NAJMI WAZIRI, J

JULY 28, 2020/rd