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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4688/2020

JATIN SHARMA

.....Petitioner

Through: Mr Manish Srivastava, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr Kapil Dutta, Advocate for North
DMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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29.07.2020

The hearing was conducted through video conferencing.

CM APPL. 16863/2020 (Exemption)

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

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2. Issue notice.
3. Mr Kapil Dutta, the learned counsel accepts notice on behalf of the North Delhi Municipal Corporation ('NDMC').
4. At the request of the parties, the petition is taken up for disposal.
5. The petitioner has made the following prayer in this petition:
"a) Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the respondent North Delhi Municipal Corporation to grant a hearing to the petitioner and pass a speaking order thereafter.."
6. The petitioner is aggrieved by a demolition order dated 26.08.2019

apropos the property bearing number 1396, Chandni Chowk, Delhi-110006 which was passed without hearing him. It is argued that the order being afoul of natural justice ought to be set aside. The petitioner's appeal against the said order is pending before the learned ATMCD. However, no orders could be no passed in the matter because the Tribunal was non-functional for the past many months. The petitioner states that he would be satisfied if he was given a hearing in the matter apropos the notice issued by the Corporation, which led to impugned demolition order and consequently, undertakes to withdraw his appeal pending before the learned ATMCD,

7. In view of the above, the demolition order shall now be treated as notice to the petitioner. He shall file his reply thereto within two weeks. He will be accorded a hearing by the Corporation in two weeks thereafter. In two weeks after conclusion of the hearing, by a reasoned order the Corporation will convey its decision to the petitioner. Two weeks shall be provided to the petitioner to rectify the property in question, if unauthorised construction is found.
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 email.

NAJMI WAZIRI, J

JULY 29, 2020/rd