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

+ W.P.(C) 5886/2020 & CM APPL. 21268/2020

MS. RICHA SINGH & ORS.

..... Petitioners

Through: Mr. Ganesh Khanna, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. Keshav Mohan, Mr. Rishi K. Awasthi, Mr. Piyush Vatsa and Mr. Prashant Kumar, Advocates for SDMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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01.09.2020

The hearing was conducted through video conferencing.

1. Portions (balconies) of the petitioners' residential property bearing no.I-14, Gali No. 31, Rajapuri, Uttam Nagar, New Delhi – 59, has been demolished by the South Delhi Municipal Corporation, allegedly without service of any notice upon them. Photographs annexed to the petition show the extent of the demolition. The petitioners are aggrieved by this arbitrary action of the Corporation/R-1. The only notice which was allegedly served upon them was of 20.08.2020, under section 435 of the DMC Act, 1957, purportedly to seal their property. The said notice states that it is in continuation of the previous booking no.518 dated 31.10.2017. The petitioners submit

that no such notice was served upon them on 31.10.2017.

2. Interestingly, the Corporation passed the demolition order on 20.08.2020 itself, thereby depriving the petitioners any opportunity to respond to the aforesaid notice. The demolition action was promptly carried out on 24.08.2020 and 25.08.2020, even before the petitioners could prepare themselves to make an appropriate representation against the so-called notice.
3. The learned counsel for the SDMC, submits that a suit has already been filed against the Corporation apropos the said property. He further submits that the petitioners have a statutory remedy before the learned ATMCD against the aforesaid notice.
4. In view of the above, the petitioners seek and are granted time to approach the learned ATMCD within 2 weeks from today. Till then, no further precipitate action shall be taken against the petitioners.
5. The writ petition, along with the pending application, is disposed-off in the above terms.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

SEPTEMBER 1, 2020

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