

\$~30

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

%

Judgment delivered on: 22.01.2021

+ W.P(C) 917/2021

SMT. SAVITA ARORA

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION.....Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Bhupinder Singh Saini, Advocate.

For the Respondent: Ms. Jyoti Taneja, Standing Counsel for North DMC.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.2479/2021 (exemption)

Exemption is allowed subject to all just exceptions.

W.P(C) 917/2021 & CM APPL.2478/2021

1. Petitioner impugns a work stop notice dated 29.12.2020 requiring petitioner to stop carrying out any construction activity in the property bearing No.3417-18, Angoori Ghata, Gali Arya Samaj, Delhi-110006.

2. Learned counsel for the petitioner submits that the property of the petitioner is an old property and the Municipal Corporation had

inspected the property in the year 2002 and an inspection report dated 30.07.2002 (Annexure P-4) was prepared.

3. Learned counsel submits that the inspection report clearly indicates the entire extent of construction existing on the ground floor upto the third floor with dimensions of each portion being indicated therein and it also indicates as to what was the old construction and what additions have been made in the year 2002.

4. Learned counsel further submits that petitioner was given an advisory letter by the respondent on 24.06.2019 indicating that the building of the petitioner is dangerous and he should have the same repaired. He submits that in terms of the said advisory letter petitioner was merely carrying out repairs, when the impuged notice was received.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

6. Learned counsel for the respondent submits that when unauthorised construction activity was noticed in the property a show cause notice was issued to the petitioner on 20.10.2020.

7. Learned counsel for petitioner submits that a response to the show cause notice has also been filed, however, a speaking order has not yet been passed. Accordingly, he has approached the MCD Appellate Tribunal and since MCD Appellate Tribunal is not functional, he has approached this Court.

8. In view of the fact that a show cause notice has already been issued to the petitioner, which has been responded to, Respondents are directed to grant a personal hearing to the petitioner and thereafter pass a speaking order in accordance with law, preferably within a period of four weeks from today.

9. Till the passing of the speaking order petitioner shall not carry out any construction activity and further repairs/renovation work would be dependent upon the speaking order to be passed by the respondent in accordance with law.

10. The petition is disposed of in the above terms.

11. It is clarified that Petitioner would be at liberty to impugn the speaking order, if required.

12. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.
JANUARY 22, 2021/rk