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

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Judgment delivered on: 24.02.2021

+ W.P.(C) 2557/2021

SAVITRI DHAMIJA

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

.....Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Harmeet Singh, Advocate. (through Video Conferencing).

For the Respondent: Mr. Mukesh Gupta, Standing Counsel for NDMC. (through Video Conferencing).

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.7539/2021(exemption)

Exemption is allowed subject to all just exceptions

W.P.(C) 2557/2021 & CM APPL.7538/2021(stay)

1. Issue notice. Notice is accepted by learned counsel appearing for respondents.

2. Learned counsel for the petitioner submits that petitioner has already filed an appeal before the Appellate Tribunal, MCD, however the appeal could not be taken up since there is no presiding officer.

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MAGGU
Signing Date: 24.02.2021 23:08:21
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to HMJ Sanjeev Sachdeva.

W.P(C) 2557/2021

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3. Learned counsel for the petitioner submits that petitioner has purchased the property in March, 2020 and was not aware of any unauthorized construction or any action being contemplated by the Corporation.

4. Learned counsel for the respondents/Corporation submits that action was taken after serving due notice to the owners/occupants of the building.

5. Learned counsel for the petitioner submits that even though there may be some unauthorized construction, major portion of the construction may be compoundable/regularizable.

6. Learned counsel for the respondents/Corporation submits that since no application for compounding/regularization has been filed, property has not been inspected/examined from that point of view.

7. Learned counsel for the respondents/Corporation submits that there is some Civil Suit also pending with regard to unauthorized construction in the subject property.

8. Learned counsel for the petitioner submits that petitioner is not a party to the suit and is not even aware of the said proceedings.

9. Since the petitioner has already approached the Appellate Tribunal, MCD and his appeal has not been taken up for consideration, this petition is disposed of with the direction that no demolition action shall be carried out in the property of the petitioner for a period of two weeks after the commencement of the functioning

of the Appellate Tribunal, MCD or till the time appeal/stay application of the petitioner is taken up for consideration by the Appellate Tribunal MCD, whichever is earlier.

10. Continuation of protection thereafter shall be subject to orders to be passed by the Appellate Tribunal, MCD.

11. It is clarified that Appellate Tribunal, MCD shall consider the appeal/stay application without being influenced by anything stated in this order.

12. The petition is accordingly disposed of in the above terms.

13. Copy of this order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 24, 2021
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