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

% Judgment delivered on: 01.02.2022

+ W.P.(C) 1990/2022 & CM. APPLS. 5727-28/2022

ASHA DALMIA Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Arush Kapoor, Advocate.

For the Respondent: Mr. Kapil Dutta, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Learned counsel for the petitioner submits that on account of a typographical error, number of the property has been mentioned as C-116, whereas the correct number of the property is C-166, Phase-I, Naraina Industrial Area, New Delhi. He submits that the documents annexed with the petition clearly show that the concerned property is C-166 and not C-116.
3. The statement is taken on record.



4. Petitioner seeks a direction to the respondent not to take any coercive action against the property of the petitioner bearing number C-166 (*sic*), Phase-I, Naraina Industrial Area without following the due process of law. Petitioner further seeks a direction to the respondent to accept the regularization application in respect of the said property.

5. Learned counsel for the petitioner submits that certain minor additions-alterations were done in the said property, however, respondents are seeking to demolish the entire property without even serving a copy of the demolition order.

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

7. Learned counsel for respondent submits that the property has been booked and demolition order stands passed after following due process of law and even part demolition action has already been taken.

8. He, without prejudice, submits that a copy of the show-cause notice, demolition order and the sealing order shall be furnished to learned counsel for the petitioner during the course of the day. Learned counsel further submits that no regularization application has till date been filed by the petitioner.



9. In view of the above, this petition is disposed of, permitting the petitioner to file an application seeking regularization of the permissible construction within a period of two weeks from today.

10. On petitioner filing the said application, respondent shall consider the same in accordance with law and dispose of the same within a period of four weeks.

11. Subject to petitioner filing a regularization application within two weeks, no coercive action shall be taken against the property of the petitioner till the disposal of the regularization application.

12. It is clarified that in case the petitioner fails to file the application within two weeks, respondent would be at liberty to take further coercive action in accordance with law.

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

SANJEEV SACHDEVA, J

FEBRUARY 1, 2022

NA