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

+ **W.P.(C) 170/2024**

MINNI DHINGRA

..... Petitioner

Through: Mr. Rizwan, Mr. Azadar Hussain,
Ms. Sachi Chopra, Ms. Nishtha Sinha
and Ms. Nandini Garg, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondents

Through: Mr. Puneet Yadav, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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05.01.2024

CM APPL.799/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM APPL.800/2024 (Stay)

1. The present writ petition assails a 'vacation notice' under Section 349 of the DMC Act, 1957, issued in respect of the premises no. B-2/15, Krishna Nagar, Delhi. The said 'vacation notice' has been issued on 02.01.2024 and also refers to a demolition order passed under Section 343 (1) of the DMC Act, 1957 in respect of the concerned property.
2. Learned counsel for the petitioner submits that the petitioner has not been supplied with a copy of the demolition order.
3. After some hearing, learned counsel for the petitioner concedes that an appeal lies before the ATMCD against the demolition order passed in respect of the concerned property. The 'vacation notice' dated 02.01.2024 is



only consequential thereto. He submits that appropriate steps shall be taken by the petitioner to file an appeal before ATMCD, upon the demolition order being supplied to the respondent by the petitioner.

4. Learned counsel for the respondent submits that the demolition order shall be supplied to the petitioner during the course of the day itself.

5. Accordingly, the present petition is disposed of with liberty to the petitioner to file an appeal before the ATMCD assailing the demolition order under Section 343 (1) of the DMC Act, 1957, and also seek further relief/s as may be permissible under law.

6. Learned counsel for the respondent submits that no precipitative steps shall be taken by the respondent for a period of three weeks. It shall be for the ATMCD to consider whether any interim order/s are warranted thereafter.

7. It is made clear that this court has not expressed any opinion as to the merits of the case of petitioner and it shall be open to ATMCD to pass such order/s as may be considered appropriate.

8. The present petition stands disposed of.

9. Copy of the order be given *dasti* under the signatures of court master.

SACHIN DATTA, J

JANUARY 5, 2024/cl