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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5365/2024, CM APPL. 22085/2024, CM APPL. 22086/2024
SMT BHAGWAN DEVI Petitioner
Through: Mr. Atul Singh, Adv. (VC)

versus

MUNICIPAL CORPORATION OF DELHI AND ANR Respondents
Through: Ms. Saroj Bidawat, Adv. for MCD.
Ms. Manika Tripathy, SC for DDA

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
15.04.2024

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1. By way of the present petition, the petitioner seeks quashing of a demolition order stated to have been passed by the respondent/MCD with respect to property bearing No. I-58 & 59, Gali No. 33, Rajapuri, New Delhi.
2. Learned counsel for the petitioner submits that the demolition order has been passed without giving any show cause notice to the petitioner and also without granting any effective opportunity of hearing to the petitioner. It is further submitted that the action proposed to be taken against the petitioner is a counterblast to the action sought by the husband of the petitioner *qua* the property no. I-45-46, Gali No. 33, Raja Puri, Uttam Nagar, New Delhi- 110059.
3. Learned counsel for the petitioner concedes that the said demolition order passed by the respondent/MCD is appealable before the ATMCD;



however, it is submitted that the said demolition order has not been provided to the petitioner. Learned counsel for respondent/MCD who appears on advance notice refutes the said contention, however, she submits that another copy of the demolition order shall be provided to the petitioner within a period of 2 days from today.

4. Learned counsel for respondent/MCD submits that the demolition action qua the property in question has not been scheduled in the next one week.

5. In the circumstances, the present petition is disposed of with liberty to the petitioner to avail the statutorily prescribed appellate remedy in respect of the demolition order qua the property in question. The petitioner shall also be at liberty to seek appropriate interim relief from the ATMCD ; any such request shall be considered by the Appellate Tribunal on its own merit and in accordance with law.

6. With the above observations, the present petition, alongwith pending application/s stands disposed of.

SACHIN DATTA, J

APRIL 15, 2024/AT