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

+ W.P.(C) 8611/2024 & C.M.APPL. 35285/2024 (stay)

SONA DEVI

..... Petitioner

Through: Ms. Nupur Sachdeva, Mr.
Shashwat Sarin and Mr.
Ashwarya Singh, Advocates

versus

MUNICIPAL CORPORATION OF DELHI Respondent

Through: Mr. Ranjeet Pandey, Standing
Counsel for R-1

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.06.2024

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1. The present petition under Article 226 of the Constitution of India seeks the following prayer:-

“A. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent No. 1 to cancel and set aside the notice order dated 05.06.2024 bearing reference no. EE(B)NGZ/24/D-8/287 for property bearing P. No. F- 133 Uprahi Chaupal Mahipalpur;

B. Pass any other and further orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Learned counsel appearing on behalf of the petitioner submits that no statutory notice was received with respect to the subject property in question.

3. It is pointed out that Vacation Notice under Section 349 of the Delhi Municipal Corporation Act, 1957, dated 05.06.2024 was sent on the name of the son of the petitioner who has since



not been traceable.

4. It is further submitted that an opportunity may be provided to the petitioner to show cause with regard to the alleged unauthorized constructions.

5. *Per contra*, learned counsel appearing on behalf of MCD submits that the present action has been taken in pursuance of the order passed by the learned Coordinate Bench of this Court with regard to unauthorized construction in a petition filed at the instance of one Raj Bala.

6. In response thereto, learned counsel for the petitioner submits that the said Raj Bala who is stated to be the petitioner in the said petition, had already filed a civil suit against the present respondent, which is pending adjudication before the learned Civil Court.

7. Be that as it may, the present petitioner is given liberty to initiate appropriate proceedings in accordance with law before the Learned MCD Appellate Tribunal within ten days from today with regard to the aforesaid prayers.

8. Till the filing of the said petition, no coercive steps shall be taken by the respondent against the petitioner. Thereafter, steps taken by the respondent would be subject to orders of the learned MCD Appellate Tribunal Court.

9. The present petition is disposed of with the aforesaid directions.

10. Pending application(s), if any, also stands disposed of accordingly.



11. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J
(VACATION JUDGE)

JUNE 12, 2024/pu

Click here to check corrigendum, if any