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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 282/2012

H.S.CHAUDHARY AND ANR

..... Petitioners

Through Ms. Jyoti Singh, Sr. Adv with Ms.
Tinu, Adv.

versus

MCD AND ORS

..... Respondents

Through Mr. Mukesh Gupta, Adv for the MCD
Mr. Sanjeev Sabhawarwal, standing
counsel for the DDA.
Mr. Deepak Jain, Mr. Pradeep K.B,
Mr. Jaspreet Aulakh, Ms. Mahima
Deepak and Ms. P. Kaur, Advs for

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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21.09.2016

Learned counsel for respondent No.3 submits that he is ready to restore the load bearing wall back to its original position. On this count, the contention of the learned senior counsel for the petitioner is that this may not be possible as the foundation of the building would be effected.

After some argument, it has been agreed that the submission of respondent No.3 that he would restore load bearing wall would be implemented only after consultation with the Structural Engineer of the DDA and in coordination with him and after notice and intimation of the petitioner. Learned counsel for respondent No. 1 points out

that the property is lying sealed under the orders of the Competent Authority as there have been illegal deviations in the said property. His submission is that for the purpose of implementing the proposal of respondent No.3 to restore load bearing wall, he would de-seal the property i.e. bearing No.7161-7168, Block B-10, Vasant Kunj, New Delhi for a limited period and this would be after intimation and notice to him; thereafter the property would be re-sealed and unless and until the order of sealing is revoked by a Competent Authority the property will remain sealed. This submission of respondent No. 1 is noted.

Accordingly, the proposal of respondent No.3 will be considered by the DDA and both respondent No.3 as also the DDA in coordination with the petitioner may implement the proposal as advised by the Structural Engineer of the DDA. The Corporation will be intimated of the date when this proposal is to be implemented in order that desealing of the property can be carried out for the said purpose for a limited period only. After the proposal is implemented, the Corporation will re-seal the premises.

No further orders are called for on this petition which is disposed of.

INDERMEET KAUR, J

SEPTEMBER 21, 2016

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