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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1782/2016**
SANJIVE KAPOOR

..... Petitioner

Through Mr.Deep Dhamija, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI (SOUTH ZONE) & ORS

..... Respondents

Through Ms.Arati Bansal, Advocate for
R-1/SDMC.

Mr.Naushad Ahmed Khan, ASC for
GNCTD with Ms.Astha Nigam,
Advocate for R-2, R-3, R-4 and R-5.
SI Moti Singh ZO/R.K.Puram Traffic
Circle with SI Ram Tirath, Pairavi
Officer.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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20.10.2016

The petitioner before this Court is Sanjive Kapoor. He is the real brother of respondent no.6. Admittedly, a Civil Suit is pending between two brothers i.e. petitioner and respondent no.6.

At the outset, learned counsel for petitioner submitted that there is a possibility of a negotiation between the two brothers and this matter should be adjourned till next date. This Court is not inclined to adjourn the matter and keep it pending on the docket of the Court.

It has brought to the notice of this Court that the prayers made to the petition have become infructuous. The prayers have been perused. The first prayer is a prayer sought by the petitioner

restraining respondent nos.1 to 5 from granting permission to respondent no.6 for running a guest house/hotel in property bearing No.C-2/12, Safdarjang Development Area, New Delhi without prior permission of the petitioner as his submission is that he is the owner of the property by virtue of the will left by his deceased father. Admittedly, this issue is pending before the Civil Court as the whole suit is premised on the will of the deceased father of petitioner and respondent no.6.

Respondent no.2 to 5 have brought to the notice of this Court that permission was sought by Bhupinder Singh to run a hotel/guest house for which he had applied for a Health Trade License on 05.01.2016. Before the permission could be afforded by the DCP Licensing that application was withdrawn on 26.9.2016. An order had been passed by the Joint Commissioner of Police/ACP noting that Bhupender Singh is no longer interested in obtaining this licence. He has surrendered his application due to a dispute between the owners of this property. This order dated 26.9.2016 is on record. The first prayer has accordingly become infructuous.

The second prayer in the petition pertains to an alleged illegal mobile tower on the property. Counter affidavit filed by SDMC has been perused. Para 6 of the said affidavit is relevant. This counter affidavit clearly states that action has been taken against the unauthorized construction in the shape of erection of mobile tower and the same has been sealed at three points on 21.01.2015. Respondent no.6 at this point, submits that there is no illegality in the installation of the mobile tower.

The prayers made in the petition have become infructuous.
Petition disposed of.

INDERMEET KAUR, J

OCTOBER 20, 2016
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