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

+ W.P.(C) 3726/2016 & CM No.15886/2016

MAHARANI BAGH RESIDENTS
WELFARE ASSOCIATION

..... Petitioner

Through: Mr. Saurabh Suman Sinha, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr. Arjun Pant, Standing Counsel for
DDA with Mr. Manohar Lal, A.D.
(Institutional Land), DDA.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **16.05.2016**

1. Issue notice. Mr. Arjun Pant, learned standing counsel for DDA accepts notice.
2. The petitioner is a welfare association of Maharani Bagh Residents and is aggrieved by the opening of a gymnasium named "Gold's Gym" in the community hall of Maharani Bagh which was leased out to Maharani Bagh Co-operative House Building and Welfare Society Limited for the purpose of a community hall. According to the petitioner, opening of a gym is in violation of the terms of the perpetual lease deed dated 04th July, 2001. The petitioner is seeking action against the society for the violation of the lease deed and for stopping the said violation.
3. Mr. Arjun Pant, learned Standing Counsel for DDA submits on instructions from Mr. Manohar Lal, Assistant Director (Institutional Land), DDA that respondent No.1 has received the complaint dated 11th April, 2016 (Annexure A12) and the appropriate action on the said complaint as well as

present petition shall be taken by DDA in accordance with law. It is further submitted that DDA shall carry out the survey within a period of three weeks from today and if the DDA is satisfied that respondent No.2 has violated the perpetual lease, showcause notice shall be issued to respondent No.2.

4. In view of the statement made by DDA today, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file a fresh petition if the grievance is not redressed by the DDA.

5. The petition as well as pending application are dismissed as withdrawn with liberty as prayed for. The DDA shall intimate its decision to the petitioner within four weeks of the survey along with the copies of the inspection/survey report and the copy of the show cause notice, if issued. In the event of the violation being found by DDA, the appropriate action against the respondent No.2 be taken within a period of eight months from today.

6. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

MAY 16, 2016

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