

\$~19

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

+ W.P.(C) 5447/2016

MANVENDER BABBAR

..... Petitioner

Through

Mr.Yash Anand, Mr. David A. and
Mr. Yash Singhal, Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through

Mr.Mohd. Faisal, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

19.08.2016

Petitioner is aggrieved by the certain acts of the respondent no.1/East Delhi Municipal Corporation.

Record shows that the petitioner is the alleged owner of the third floor and above of property bearing No.A-1, Anand Vihar, Delhi. Respondent nos.2 and 3 are stated to be the residents/owner of the second floor and first floor of the aforementioned property respectively. The prayer made in the writ petition is that in spite of the notices having been issued to all the parties i.e. the petitioner as also respondent nos.2 and 3 on 21.1.2013, no action has been taken by the Corporation/respondent no.1.

A status report has been filed by respondent no.1. It has brought to the notice of the Court that a suit for injunction inter se the parties i.e. between petitioner and respondent nos.2 and 3 is pending. That suit has been filed by respondent nos.2 and 3 against the petitioner. Vide order dated 22.02.2014 {passed in that suit (CS

No.484/2013) titled Laxman Ahuja Vs. Manvender Babbar & Ors.} wherein the East Delhi Municipal Corporation is also a party an order had been granted in favour of the said plaintiff directing the defendants to maintain status quo qua the construction activities in the suit property.

Learned counsel for the petitioner submits that this status quo order dated 22.4.2014 passed in CS No.484/2013 does not bar the respondent from taking action on the notice dated 21.11.2013 which was against respondent nos.2 and 3 asking them to show cause notice as to why their regularization of the aforementioned property be not withdrawn.

Learned counsel for the respondent no.1 admits that this order dated 22.4.2014 would not be a hurdle in proceeding with those proceedings. He is accordingly directed to proceed in the matter.

Qua the submission of the petitioner on the aspect of sanction of third floor, this Court is of the view that the petitioner should move an application praying for a sanction of third floor and if permitted by law, the said application shall be entertained by respondent no.1 who shall answer it in accordance with law. Needless to state that any observation made today will not influence the Competent Authority while dealing with the application to be filed by the petitioner.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 19, 2016

ndn