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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10537/2016 & C.M. Nos.41379-80/2016
R.R. INSTITUTE OF COMPUTER TECHNOLOGIES PRIVATE
LIMITED Petitioner
Through Mr. K. Datta and Mr. Manish
Srivastava, Advs.
versus
SOUTH MUNICIPAL CORPORATION OF DELHI Respondent
Through Ms. Puja Kalra, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **07.11.2016**

The petitioner is aggrieved by the action on the part of the respondents. Contention is that the RR Institute of Computer Technologies (petitioner herein) is the owner of third floor of D-66, South Extension Part-I, New Delhi. He has placed a registered sale deed dated 27.01.2005 on record to substantiate his submission. Further submission is that the action of the respondent South Delhi Municipal Corporation qua the terrace over the third floor may be a legal or illegal action but the petitioner before this Court is not concerned with this act. He being the owner of third floor has no connection with any alleged legality or illegality on terrace over the third floor.

On advance notice, learned counsel for the respondent has put in appearance. Her submission is that the construction over the third floor of this property had been booked on 08.02.2015 and a demolition order had been passed on 07.08.2015 whereupon sealing action had been initiated on 29.07.2015. Sealing action had been

effected on 05.08.2015.

Contention of the petitioner is that his property has also been sealed on 05.08.2015; this property is distinct and separate from the construction raised over the third floor. On this score, learned counsel for the respondent submits that as per their record, the owner of the third floor as also the owner over the roof top rights over the third floor is Mr. Chhabra to whom notice has been issued. This property has allegedly been purchased by the petitioner from Mr. Chhabra in the year 2005 but mutation of that property has not been carried out in the MCD record. Thus the respondent has rightly given notice to Mr. Chhabra before taking any sealing action qua the property of the petitioner. This Court also notes that the action proposed against the property of Mr. Chhabra which includes the alleged illegality on the roof over the third floor is the subject matter of an appeal before the ATMCD as an order of sealing is appealable under Section 347-B of the DMC Act. Since the property in the record of the Corporation stands mutated in the name of Mr. Chhabra, the petitioner was rightly not issued any notice but since the petitioner claims himself to be the title holder of the third floor, liberty is granted to the petitioner to get himself impleaded in the proceedings pending before the ATMCD and in case there is no proceedings before the ATMCD, he may take appropriate action before that forum.

Petition disposed of.

INDERMEET KAUR, J

NOVEMBER 07, 2016/A