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

+ **W.P.(C) 333/2017**

HARISH BAJAJ AND ANR

..... Petitioners

Through Mr.Sunil Chaudhary, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Ms.Mansi Gupta, Advocate for North
DMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.01.2017**

C.M.No.1571/2007 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 333/2017

Petitioner is aggrieved by a communication dated 12.9.2016 issued by the Assistant Engineer, North DMC wherein his application seeking regularization of his property i.e. property No.F-8, Prashant Vihar, Delhi had been rejected. The order has noted that the 'complete ownership' of the suit property was not attached with the file; accordingly the rejection letter has been issued.

Counsel for petitioner is aggrieved. His submission is that a 'no objection' from other co-owners is not a mandate. For this proposition

reliance has been placed upon a judgment of the Division bench of this report reported as 2006 III AD (Delhi) 515 Municipal Corporation of Delhi Vs. Smt. Usha Devi Sharma as also on another of a Single Bench of this Court reported as 220(2015) DLT 148 Kanwal Sibal Vs. New Delhi Municipal Council and Ors.

On advance notice, learned counsel for respondent/North DMC has put in appearance. Her first submission, at the outset, is that this order is an appealable order.

Learned counsel for respondent has drawn attention of this Court to the provisions of Section 347-B(f) of the DMC Act. Submission being that the impugned order would come within the ambit of 'execution of any work' under Section 336 of the said Act. The definition of 'execution of work' has been detailed in Section 334; the provisions of Section 336 of the said Act have been highlighted.

This Court is in agreement with this submission made by the learned counsel for respondent. This Court is also of the view that the judgments relied upon by the learned counsel for the petitioner would not be applicable as the impugned order has only asked the petitioner to supply the complete ownership papers of the property. This Court also notes that in the entire body of the petition it is not the case of the petitioner that after the sale of the ground floor the properties have been individually mutated in favour of the ground floor owner and himself or that the parties are all individually paying their individual municipal taxes. Learned counsel for the respondent has rightly pointed out that on this background these judgments cited by the

learned counsel for petitioner would not be applicable.

This petition is accordingly dismissed with cost of Rs.5000/-. This Court is constrained to pass an order imposing the cost as the counsel for the petitioner has vehemently argued and re-argued the same proposition which has not been accepted by this Court.

INDERMEET KAUR, J

JANUARY 17, 2017

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