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

+ **W.P.(C) 1419/2016 & CM APPL. 6202/2016**

RAJAN GUPTA & ANR

..... Petitioners

Through

Ms. Maninder Achrya, Sr. Advocate
with Ms. Bandana Grover, Mr. Sahil
Sood, Mr. Viplav Acharya and Mr.
Harshul Choudhary, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through

Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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02.11.2017

Petitioners have approached this Court seeking issuance of Writ of Certiorari seeking quashing of communication dated 14.1.2016 issued by respondent no.1, as also the other writs in the nature of Prohibition and Mandamus for the regularisation of the compoundable deviations at terrace of the third floor of the property bearing no. B-4/10, Vasant Vihar, New Delhi.

The application made by the petitioners for regularisation of the compoundable deviations was rejected by the respondent vide communication dated 14.1.2016, which is, as under :

“Please refer to this office letter bearing no. D/1980/Bldg.-I/SZ/15 dt. 18/12/15 vis-a-vis your response dated 01/01/2016. In this regard, it is to inform you’re your application/proposal under reply is not maintainable on the sole ground that there is no floor wise policy in force. On further perusal its categorical reply is as follows :

1.	As above, the proposal is required to be signed and supported with ownership documents of the owner of ground floor.
2.	The existing plan requires to be signed by the owner of ground floor showing/reflecting extent of deviation at ground floor.
3.	The photographs of the building require to be signed by the owner of ground floor.
4.	The indemnity Bond requires signature of the bonafide owner of ground floor with witnesses.
5.	The lift certificate issued by the competent authority of GNCT of Delhi is required to be signed by the owner of ground floor.
6.	The one set of structural drawing is required to be signed by the owner of ground floor.

In view of above, it is apparent that the proposal in its present form or in isolation cannot be treated and is thus rejected.”

During the course of hearing, Mr. Aroraa, ld. counsel for the respondent submits that he has instructions to state that the ground for rejection of the application in terms of the communication dated 14.1.2016 would not come in the way of processing and allowing the application for regularisation, if, the petitioner satisfies other stipulations attached therefor.

In view of the foregoing, the instant petition is disposed off, with a direction to the respondent-SDMC to proceed further with the processing of the application for regularisation, as provided for under law, within eight weeks from today.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

NOVEMBER 02, 2017/rc