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

+ LPA 346/2017 and CM APPL. 17364-17365/2017

TAJINDER SINGH & ORS

..... Appellants

Through: Mr. Amit Singh & Mr. Abhishek
Kumar Singh, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
& Mr. Abhishek Sharma, Advocate
for SDMC.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
18.05.2017

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Respondent No.3/ Sujata Malhotra is present in Court with her husband.

The appellants and respondent No.3 have entered into a settlement agreement dated 18.05.2017 and the original of the said settlement has been tendered in Court and taken on record.

As per the said settlement, it has been agreed between the appellants and the respondent No.3 that the amount of Rs.5,60,000/- deposited in the Court by respondent No.3 in pursuance of the directions issued in W.P. (C)

No.5838/2014 be disbursed by the Registry of this Court in favour of the appellants herein.

Respondent No.3 is present in Court and she confirms the aforesaid position and she states that she has entered the said settlement out of her own free will and without any undue influence or coercion.

Since the said amount was deposited in the Court by respondent No.3/ writ petitioner and she herself states that the said amount be disbursed in favour of the appellants, we see no impediment in directing release of the said deposit along with accrued interest thereon in favour of the appellants. It is directed accordingly.

In the light of the aforesaid, the impugned order dated 30.01.2017 is set aside.

It is, however, made clear that the compromise between the appellants and respondent No.3 shall not prevent the South Delhi Municipal Corporation from taking action in accordance with law in respect of the unauthorised construction, if any, in the property, i.e. DDA Flat No.100B (Ground Floor), 100 D (First Floor), 100 F (Second Floor), 100 H (Third Floor), Pocket – K, Sheikh Sarai-II, New Delhi, and in accordance with the order dated 14.05.2015 passed in W.P. (C.) No. 5838/2014.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 18, 2017

B.S. Rohella