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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 417/2017, CM No. 21346/2017**

RAJEEV KUMAR & ORS

..... Appellants

Through: Mr. Sunil Choudhary, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. G.D Mishra, Standing Counsel for
R-1/South Delhi Corporation.
Mr. Sanjeev Sabharwal, Standing
Counsel for DDA.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
29.05.2017

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CM No. 21348/2017 (exemption)

Allowed, subject to just exceptions.

**CM No. 21347/2017 (for condonation of delay of 51 days in filing
the Letter Patents Appeal)**

By this application, the appellants seek condonation of 51 days
delay in filing the Letter Patents Appeal.

For the reasons stated in the application, the same is allowed.

LPA 417/2017

The appellants have preferred the present Letter Patent Appeal to

assail the order dated 07.03.2017 passed by the learned Single Judge.

The impugned order reads as follows:-

“Status report of respondent no. 1/SDM is on record. Submission is that the representations of the petitioner as also the averments made in the writ petition have been considered. Most of the flats in the area i.e. the DDA LIG Flats, Badarpur appear to have encroachments. Constructions have been extended beyond the permissible limits. The constructions appear to be some years old and occupied. No ongoing construction or material found at the site. If there are deviations, the same shall be addressed in accordance with law and this will be not only qua respondent nos. 3 and 4 (served and represented in Court) but all other flat owners who have committed deviations. The statement of respondent no. 1 in terms of the counter affidavit is taken on record. It is hoped and expected that this statement of respondent no. 1 is honoured in true letter and spirit. Petition disposed of.”

The appellants were not a party to the writ proceedings. The appellants claim to be the other flat owners amongst the DDA LIG flats, Badarpur. The submission of the appellants is that on account of the passing of the impugned order dated 07.03.2017 and the subsequent orders passed in contempt proceedings (which are not placed on record), the Municipal Corporation is taking action against the appellants without complying with the provisions of the law. According to the appellants, the construction raised by them are within the permissible limits, and they are protected by the Delhi Special Provision Act.

In our view, that is not a reason good enough to assail the impugned order. So far as the impugned order is concerned, it only directs the respondents/SDMC to take action in accordance with law in respect of

deviations found in the flats located at DDA LIG Flats, Badarpur.

In case the appellants have any grievance with regard to the specific action taken against them, it is open to for them to invoke the relevant remedy.

Dismissed.

Dasti.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 29, 2017

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