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

+ W.P.(C) 9710/2018 & C.Ms. 37864-65/2018

DELHI PUBLIC LIBRARY Petitioner

Through: Mr. Yashpal Singh &
Ms. Veronica Shikha Johnson,
Advocates

Versus

NORTH DELHI MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER Respondent

Through: Mr. M.S. Vinayak, Advocate (*for
owner of the building*)

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
14.09.2018

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Impugned order of 4th November, 2016 (*Annexure -15*) directs petitioner to vacate the subject premises on or before 16th November, 2016, as the subject premises has been declared to be dangerous. The rider in the impugned order is that if petitioner fails to vacate the subject building, then it will be got vacated by North Delhi Municipal Corporation (NDMC) with the help of police.

Counsel for petitioner submits that the challenge to the order of 15th September, 2016 (*Annexure P-7*) no longer survives, as that order has been already set aside vide order of 23rd September, 2016 (*Annexure P-13*), while giving liberty to one- *D.S.Rao*, who was staying in the annexe in the subject building.

It is pertinent to note that in the case of petitioner, a Coordinate Bench of this Court vide order of 25th October, 2016 (*Annexure P-14*) records that petitioner's Representation of 19/20th September, 2016 (*Annexure P-9*) be decided by respondent-NDMC within three weeks. In this order, the stand of NDMC regarding subject building being highly depleted has been noticed.

Counsel for petitioner submits that petitioner's Representation of 19/20th September, 2016 (*Annexure P-9*) has been unsatisfactorily dealt with in the impugned order and has not been dealt on merits and so, impugned order deserves to be set aside.

Despite service of advance notice, none has appeared on behalf of respondent-NDMC. However, counsel appearing on behalf of owner of the subject building submits that he was made a party in the Public Interest Litigation (PIL) in respect of subject building and the said PIL has been disposed of while leaving the parties to have available recourse to law. Attention of this Court is drawn by counsel for owner of the building in question to Inspection Report of 15th March, 2017 of Central Public Works Department (CPWD) to submit that there is a mixed recommendation regarding the stability and worthiness of the subject building.

Upon hearing and on perusal of impugned Notice of 5th November, 2016 (*Annexure P-15*) and Inspection Report of 15th March, 2017 of CPWD, I find that subject building has been rightly declared to be dangerous. During the course of hearing, it was brought to the notice of this Court that while disposing of the PIL in respect of subject building, a Division Bench of this Court has asked petitioner to remove all important

books etc. from the subject building. Petitioner's Representation of 19/20th September, 2016 (*Annexure P-9*) does not address the issue regarding subject building being dangerous. The stand taken by petitioner in the Representation of 19/20th September, 2016 (*Annexure P-9*) is that the landlord has approached the NDMC to have the subject building declared as dangerous. Apart from the report of North MCD, there is Inspection Report of 15th March, 2017 of CPWD, whose copy has been handed over to this Court during the course of hearing and its perusal reveals that it is not safe to stay in the subject building.

In the light of aforesaid, this Court is of the considered opinion that there is no valid reason to interfere with the impugned order. Petitioner has been already granted time to remove the valuable books from the subject building. Petitioner is directed to vacate the subject premises within twenty four hours from today.

With aforesaid directions, this petition and applications are disposed of.

A copy of this order be given *dasti* under the signatures of Court Master to counsel for petitioner.

(SUNIL GAUR)
JUDGE

SEPTEMBER 14, 2018

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