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

+ **W.P.(C) 6617/2017**

RABINDER NATH KAPUR

..... Petitioner

Through: **Mr. R.K. Saini, Adv.**

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through: **Ms. Mini Pushkarna, Standing
Counsel for NDMC with Ms.
Swagata Bhuyan and Ms. Shiva
Pandey, Advs. for NDMC
Mr. Naushad Ahmad Khan, ASC
(Civil) for GNCTD with Mr. Devesh
Dubey, Adv.
Mr. Madhusudan Bhayana, Adv. for
R3 to R4**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

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08.05.2018

Mr. R.K. Saini, learned counsel for the petitioners states, he will confine the relief in the writ petition with regard to the installation of lift only. In other words, he is not pressing the petition with regard to the encroachment done by the respondent Nos.3 and 4 above their flats in Block of 8 flats bearing No.35D to and 36D in Block B-2 of DDA Flats, Keshav Puram, Lawrence Road, Delhi. The statement is taken on record. He also

states, he would be satisfied if the following two points are adhered to by the MCD as well as the respondent Nos. 3 and 4;

(i) MCD should be directed to place on record the design / plan for installation of the lift which has been submitted by the respondent Nos.3 and 4 (private respondents) to the MCD and has been approved by it.

(ii) the respondent Nos.3 and 4 be directed to give an undertaking to this Court that they shall construct and install the lift according to the rules and regulations and policy circular and that the lift should not travel beyond the third floor and the well of the lift shall be constructed / installed on the roof of the third floor. They shall take necessary / required approval / clearance from all other authorities / Departments such as fire, electricity, lift inspector power / electricity distribution company before starting operation of the lift installed at the aforesaid site.

Ms. Mini Pushkarna states, the design / plan for the installation of the lift shall be placed on record of this Court within a week by way of an affidavit. Learned counsel for the respondent Nos.3 and 4 also submit that the undertaking as above shall be filed before this Court within a week from today. The statements are taken on record.

On the furnishing of the undertaking by the respondent Nos.3 and 4

and the plan by the MCD the interim order shall stand vacated automatically.

In view of the above, the petition and CM 27432/2017 are disposed of.

V. KAMESWAR RAO, J

MAY 08, 2018/aky