

\$~95

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

+ W.P.(C) 11848/2018 & C.Ms.45881-82/2018

TILAK RAJ KAPOOR & ORS. Petitioners

Through: Mr. Tarun Sharma, Ms. Aakansha
Kapoor & Mr. Pradeep Singh, Advocates

Versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. Ivan & Mr. Akshat Bajpai,
Advocates for respondent No.1

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

31.10.2018

Petitioners are the shop occupiers, who claim that upon modification in the Delhi Master Plan 2001, mixed use of houses in GH-14, Paschim Vihar, New Delhi, is permitted. Alongwith this petition, copy of receipts (*Annexure P-4 colly*) have been appended to show that petitioners have paid conversion charges to permit them to use the residential premises as commercial.

To submit so, attention of this Court is drawn to the Modification in Delhi Master Plan- 2001 on Mixed Use Regulations (*Annexure-B*). Some photographs (*Annexure P-2 colly*) have been also placed on record to show that the shops are at the place, where respondent is proceeding to construct a boundary wall in pursuance to work order of 23rd October, 2018 (*Annexure P-1*).

Despite service of advance notice, none has appeared on behalf of second respondent.

In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition and applications with permission to petitioner to make a precise Representation to second respondent- *Deputy Commissioner, North Delhi Municipal Corporation, Rohini Zone* to reconsider as to whether construction of a boundary wall around the houses, which are now put to mixed use, is permissible or not.

Petitioner's counsel submits that a brief Representation would be made to second respondent within a week from today. If such a Representation is received by second respondent within a week, then second respondent shall re-consider the work order (*Annexure P-1*) issued by respondent No.3 and shall give a speaking reply to petitioner's Representation within ten days, after giving an opportunity of hearing to one authorized representative of petitioners. The fate of petitioners' Representation be made known to petitioners within a week thereafter, so that they may avail of the remedies, as available in law, if need be.

Till the needful is done, work order (*Annexure P-1*) be not implemented. Respondent No.2 be apprised of this order forthwith to ensure its compliance.

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 the parties.

(SUNIL GAUR)
JUDGE

OCTOBER 31, 2018

r