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

+ W.P.(C) 9525/2017, CM No. 38732/2017

SALEK CHAND

..... Petitioner

Through: Mr. Sanjay K. Chadha, Adv.

versus

MCD AND ORS.

..... Respondents

Through: Mr. Prabhat Kumar, Adv. for R1
Mr. Saurabh Kansal, Mr. Dallavi S.
Kansal and Mr. Deepak Pandey,
Advs. for R2 to R4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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19.04.2018

Mr. Saurabh Kansal, Advocate states, vakalatnama shall be filed by him on behalf of the respondent Nos.2 to 4 during the course of the day. His statement is taken on record.

CM No. 38732/2017

This is an application filed by petitioner with the following prayers:

“In view of above facts and circumstances of case, it is therefore most respectfully prayed that the Hon’ble Court may graciously be pleased to:

- a) Direct the respondents to permit the petitioner to install the water tank over the roof of the Premises/Unauthorised Premises or any other suitable place of the building, as interim measure till the final disposal of the present petition;*
- b) Pass any other order or direction which this Hon’ble Court may deem fit in the circumstances of the present case may require; and.”*

Mr. Saurabh Kansal states, respondents are the residents of second and third floors of BD 32-B, Shalimar Bagh, Delhi. He has filed three photographs to contend that the green colour tank on the terrace has been placed by the respondent No.2 to 4 for the benefit of the petitioner. He also states that the petitioner can connect the said tank to his floor for supply of water.

Learned counsel for the petitioner has agreed to the submission made by Mr. Kansal, learned counsel for the respondent Nos. 2 to 4, except that the respondents must allow the access of the petitioner to the tank for maintenance. Mr. Saurabh Kansal is agreeable to the said submission.

In view of the above, it is directed, the petitioner can connect the green colour water tank on the terrace to his floor for supply of water. The respondent Nos.2 to 4 shall also allow the access of the petitioner to the tank for maintenance. The application stands disposed of.

W.P.(C) 9525/2017

Learned counsel for the respondents 2 to 4 state that they have filed an Appeal bearing No. 223/2015 before ATMCD, and the next date of hearing is July 06, 2018.

If that be so, the petitioner shall be at liberty to file an application for

intervention. If such an application is filed the same shall be considered favourably. I take the submission by Mr. Saurabh Kansal on record that if such an application is filed, respondents 2 to 4 shall not oppose the same.

During the course of hearing, learned counsel for the petitioner has drawn my attention to two photographs at pages 25 and 26 which shows asbestos sheets have covered the front court yard of the ground floor. The petitioner seeks to remove the said asbestos sheets, as according to him, the same have become loose and may fall down causing injuries. Mr. Saurabh Kansal has no objection if the petitioner removes the same.

The writ petition is disposed of. Suffice to state, this Court has not expressed any opinion on the merit of the controversy pending adjudication before the ATMCD.

V. KAMESWAR RAO, J

APRIL 19, 2018/aky