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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8831/2017 & CM. No. 36044/2017

DEVENDER CHAND AND ORS Petitioners
Through: Mr. I.Ahmed, Adv. for Mr. S.D.
Ansari, Adv. with petitioner no. 1 in
person.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for NDMC.

AND

+ W.P.(C) 8234/2017 & CM. No. 33857/2017

SURENDER KUMAR BAJAJ AND ANR. Petitioners
Through: Mr. I.Ahmed, Adv. for Mr. S.D.
Ansari, Adv. with petitioner no. 1 in
person.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Mr. Tushar Sannu, Panel Adv. for
Mr. Mukesh Gupta, Standing Counsel
NDMC.

AND

+ W.P.(C) 11132/2017 & CM. No. 45554/2017

DHARAM CHAND & ANR. Petitioners
Through: Mr. I.Ahmed, Adv. for Mr. S.D.
Ansari, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Mr. Tushar Sannu, Panel Adv. for
Mr. Mukesh Gupta, Standing Counsel
NDMC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

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ORDER

08.02.2018

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W.P.(C) 8831/2017

W.P.(C) 8234/2017

W.P.(C) 11132/2017

These petitions have been filed by the petitioners challenging the notice dated September 5, 2017 issued by the respondent / North Delhi Municipal Corporation calling upon the petitioners herein, who are the occupiers of property bearing nos. 1323-A & 1323 (Ground Floor), Pan Mandi, Sadar Bazar, Delhi - 110006 (in W.P.(C) 8831/2017), property bearing Shop no. 949 (Ground Floor), Pan Mandi, Sadar Bazar, Delhi - 110006 (in W.P.(C) 8234/2017) and property bearing Shop nos. 946-B (Mezzanine Floor) and 946 (Ground Floor), Narain Market, Pan Mandi, Sadar Bazar, Delhi - 110006 (in W.P.(C) 11132/2017) either to demolish the building or repair the same within three days from the date of receipt of the order.

It is the case of the petitioners, the respective shops and properties of the petitioners are in stable and good condition and are not dangerous as sought to be projected by the respondent / North Delhi Municipal Corporation. It is also their case, merely because adjacent property bearing no. 1318-1319 has collapsed, would not make their properties in which they are occupants, dangerous. It is also stated that respondent / North Delhi Municipal Corporation has issued notices without inspecting the properties / site.

During the course of hearing, it was suggested to the learned counsel for the petitioners, if the petitioners are agreeable for inspection / assessment of properties in question by a Structural Engineer of the IIT (Delhi) on

payment of charges. The learned counsel for the petitioners on instructions state, they are not agreeable to the same, rather the petitioners would like the NDMC to carry out the inspection of properties and assess the quality afresh and pass a speaking order. According to him, if the petitioners are still aggrieved by any decision of the respondent / NDMC, they would have a remedy against that.

On the other hand, Mr. Ajjay Aroraa and Mr. Tushar Sannu, learned counsel appearing for the respondent / North DMC states, the NDMC would have no objection in re-inspecting the properties, but shall not be held responsible for any mishap that may take place in view of the nature of properties as conveyed vide impugned notice.

Having heard the learned counsel for the parties, in view of the submission made by the learned counsel for the petitioners, as noted above and noting the urgency in the matter, it would be appropriate that respondent / NDMC inspect the properties on or before Tuesday, i.e., February 13, 2018 (when the petitioners shall also be present) and assess the quality / structural stability of the same, and pass a speaking order within one week thereafter. The same shall be communicated to the petitioners at the earliest.

Learned counsel for the petitioners state, in view of the above, the petitions may be disposed of. Ordered accordingly.

Till such time a reasoned order is passed and communicated, no coercive steps shall be taken by the respondent / NDMC.

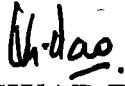
CM. No. 36044/2017

CM. No. 33857/2017

CM. No. 45554/2017

In view of the order passed in the writ petitions, the applications have become infructuous and disposed of as such.

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A copy of this order be given *dasti* under the Signatures of Court Master.


V. KAMESWAR RAO, J

FEBRUARY 08, 2018/jg