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

+ **W.P.(C) 7654/2019, CM No. 31836/2019**

PAWAN SIROHI AND ANR.

..... Petitioners

Through: Mrs. Panchajanya Batra Singh and
Mr. Mahavir Singh, Advs. for
petitioner no.2.

versus

**SOUTH DELHI MUNICIPAL CORPORATION AND
ORS.**

..... Respondents

Through: Mr. Kunal Vajani, Standing Counsel
with Mr. Paras Anand and Mr. Jaibir
Singh Sethi, Adv. for SDMC.
Mr. Anand V. Khatri, Adv. for R2.
Mr. Pawan Mathur, Standing Counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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17.07.2019

CM. No. 31836/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7654/2019

Learned counsel appearing for the petitioner, at the outset, submits that she shall maintain the writ petition with regard to prayer 'a' only. With regard to the other prayers, she will seek such remedy as available to the petitioner in accordance with law. The statement is taken on record.

It is the submission of the learned counsel for the petitioner that in terms of the bye-laws, petitioner is entitled to make renovation. She states,

unfortunately, renovation work already carried out by the petitioners has been demolished by the respondent Corporation. She apprehends, even in future if any renovation is carried out, the same shall also be demolished.

On the other hand, Mr. Kunal Vajani, learned standing counsel appearing for the respondent Corporation states that letter dated May 16, 2019 (page 38 of the paper book) clarifies that the petitioners are within their right to carry out repairs / renovation works in accordance with the specified bye-laws / policy as contained in the office order dated August 13, 2003. According to him any work at variance with byelaws and office order is illegal.

Since an issue has arisen whether the renovation work intend to be carried out by the petitioners is permissible within the provisions of the bye-laws / office order dated August 13, 2003, it shall be appropriate for the petitioners to give a proposal to the concerned Engineer within a week detailing therein the renovation work that they intend to carry out. On receipt of such proposal, the concerned Engineer shall consider the same in accordance with the bye-laws and the office order dated August 13, 2003 and take a decision and communicate the same to the petitioners within one week thereafter. It goes without saying that the petitioners shall carry out the renovation work in terms of the communication received from the concerned Engineer.

The petition stands disposed of.

V. KAMESWAR RAO, J

JULY 17, 2019/jg