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

+ W.P.(C) 2291/2020

SMT.MANJU GARG

..... Petitioner

Through Ms.Isha Garg, Adv.

versus

NORTH DELHI MUNICIPAL

CORPORATION AND ORS.

..... Respondents

Through Mr.Akhil Mittal, Standing Counsel
with Ms.Affifa Atiq, Adv. for R-1/ North DMC.

Mr.Anjum Javed, ASC with Mr.Faran Ahmed and
Mr.Devender Verma, Adv. for R-2 & 3.

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HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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28.02.2020

This writ petition is filed by the petitioner seeking a direction to respondents No.1 and 3 to perform their statutory duty and to stop the illegal and unauthorised running of Farmhouse, namely, Suraj Vatika, near Lavanya Motel, Palla Bakhtawarpur Road, Bakoli, Delhi is also known as 'Red K.Velvet by Kawatra'.

The case of the petitioner is that the petitioner and respondents No.5 to 8 are the co-owners of the property and respondents No.4 and 9 are in possession of the property and running a Farmhouse in the name of Red K.Velvet by Kawatra for holding wedding and other social functions. It is pleaded that respondents No.4 and 9 in connivance with the officials of respondents No.1 and 2 have erected a pandal and are holding functions in the property without valid fire safety certificate. In January, 2020, it is claimed that the petitioner came to know that the property is being run illegally since 23.08.2016 without valid fire safety certificate as the fire safety certificate dated 16.01.2017 was procured fraudulently by respondent

No.4 by impersonating himself as late Sh.Suraj Bhan Bansal. Based on these facts, the present writ petition has been filed claiming that the Farmhouse is being misused and run illegally as there is no appropriate fire safety certificate and there is a threat to the property and life to the occupants of the adjacent properties.

In the course of arguments, learned counsel for the petitioner admitted that there is a suit pending between the petitioner and the co-owners of the property, namely, respondents No.5 to 8. It is pleaded that the suit has been decreed and the petitioner has been declared as co-owner. She further submits that the petitioner is not in possession of the property and hence execution has now been filed by the petitioner.

I cannot help observing that it is an admitted fact that fire safety certificate dated 16.01.2017 was obtained from the Fire Department and it is expiring in January, 2020.

That apart, it is admitted that the property is being used for the said purposes since 2017. Now the petitioner has chosen to approach this court belatedly.

Further, in my opinion, a civil dispute is pending between the petitioner and the co-owners i.e. respondents No. 5 to 8. It is claimed that the fire clearance certificate is forged. Clearly these are issues to be raised before the Civil Court. It will be appropriate for the petitioner to raise all the disputes at the appropriate proceedings before the civil court. There are no reasons for this Court to exercise jurisdiction in favour of the petitioner.

The petition is disposed of with liberty to the petitioner to approach the appropriate civil court. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

FEBRUARY 28, 2020/v