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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3680/2020

SANJEEV CHOPRA

.....Petitioner

Through: Ms Shobhana Takiar Advocates.

versus

NEW DELHI MUNICIPAL
COUNCIL AND ANR.

..... Respondents

Through: Mr Anil Grover, Standing Counsel for
NDMC/R-1 with Ms Noopar Singhal
and Mr Satish Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.07.2020

1. The hearing was conducted through video conferencing.

CM 14715/2020 (By respondent seeking extension of time to dispose off the representation of the petitioner)

2. Issue notice.
3. Ms. Shobhana Takiar, the learned counsel for the petitioner/non-applicant accepts notice.
4. At joint request the application is taken up for disposal.
5. At the outset, the learned counsel for the petitioner submits that the respondent Council's order dated 02.07.2020 seeks to over-reach the this court's passed on 23.06.2020 inasmuch as despite the stay order, adverse action has been initiated by the Council; its notice directs the removal of the temporary structure within 30 days of receipt of the said notice/order. The relevant portion of the notice 02.07.2020 reads,

inter alia, as under:

“...It is directed to the owner/occupier of premises in question, submit all the documents for permission from the New Delhi Municipal Council through online portal or remove the entire erected iron frame structure within 30 days from the receipt of this order.”

6. Mr Grover, the learned counsel for the respondent- Council submits that the notice could have been better drafted, therefore the said notice may be treated as withdrawn and a fresh one will be issued in terms of this Court's order dated 23.06.2020. He submits that, in any case, now that the petitioner is aware of the documents which are sought by the Council, he should arrange for quick supply of the same, by the time he receives the new notice. Let it be so done.
7. The petitioner states that, in the list of the documents required by the Council, signature of the other co-owner/sister of the petitioner is sought, this is not feasible in the present constrained circumstances of the pandemic; in any case the signature of the co-owner is not an issue in the present case, because that would relate to a dispute of rights between two parties; whereas the councils concern is only a temporary structure/green-house awning on the terrace/balcony. In view of the above, the soft copy submitted by the petitioner shall suffice for the moment.
8. The time for the respondent Council to communicate its decision to the petitioner is extended by another four weeks from the date of receipt of all the requisite documents.
9. The application stands disposed off accordingly.
10. The order be uploaded on the website forthwith. Copy of the order

be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 10, 2020/rd