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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3969/2020**

KANTA JAINPetitioner
Through: Mr Nimish Chib, Advocate.

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ANR.** Respondents
Through: Mr Akhil Mittal, Advocate.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **07.07.2020**

1. The hearing was conducted through video conferencing.

CM 14248/2020 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed of.

CM 14249/2020 (Exemption from court fee)

3. Exemption allowed, subject to the condition that the Petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.
4. The application stands disposed-off.

W.P.(C) 3969/2020 & CM 14247/2020 (Stay)

5. Issue notice.
6. The learned counsel for the respondents as mentioned above accept notice.
7. At joint request the application is taken up for disposal.

8. The petitioner is aggrieved by the inaction on part of the respondent-North Delhi Municipal Corporation ('Corporation') regarding various complaints made by her apropos unauthorized construction being carried out by her neighbours in the respondent no.2 Group Housing Society complex. Apart from the construction of the lift on the front side of the building, for the benefit of the residents on the first and the second floors, there has been unauthorized construction apropos making addition of rooms in various apartments.
9. The learned counsel for the Corporation, states upon instructions, that the construction of a lift is permissible in such buildings. A plan was submitted which had been duly sanctioned by the Corporation in terms of the Building Bye-laws. Furthermore, the building was duly inspected and it was found that the construction of the lift will not cause any structural instability or damage to the building. He submits that there has been no cutting or alteration of the plinth level structure. He further submits, however, that on a site visit, unauthorized construction was noticed in Flat Nos. C-45 to C-52 and B-37 and B-38. apart from the aforementioned Flat nos., the petitioner also has complaints about unauthorized construction in Flat No.C-63. According to Mr Mittal, the Corporation shall carry out further survey/inspection apropos other illegal constructions, in particular regarding the Flat No.C-59 and C-63. Appropriate action as per law in this regard shall follow immediately. The petitioner shall be duly intimated of the same. The notices apropos unauthorized/illegal construction shall be issued by the respondent-Corporation to the

respective apartment owners for due response and rectification of the unauthorized construction within a period of two weeks, failing which, the Corporation would take further action within a week thereafter.

10. Since the petitioner does not press for any other relief, the petition along with the pending application stands disposed off accordingly.
11. The compliance affidavit shall be filed by the Corporation within a week from today, along with photographs indicating the status of the building as of three days from today and the status after due action has been taken, as may be, within a week thereafter.
12. Copy of the permission of the lift shall be supplied to the petitioner within a week from today.
13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 07, 2020/rd