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

+ W.P.(C) 4106/2020 & CM APPL. 14712/2020 (stay)

DR PUNITA K SODHI. Petitioner

Through: Ms. Shobhana Takiar, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Ajay Arora, SC for SDMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **10.07.2020**

1. The hearing was conducted through video conferencing.

CM APPL. 14713/2020 (exemption from Court Fees)

2. 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.

3. The application stands disposed-off.

W.P.(C) 4106/2020 & CM APPL. 14712/2020 (stay)

4. The petitioner is aggrieved by the notices issued by the South Delhi Municipal Corporation apropos construction being undertaken by her at her residential premises, which according to her, is compoundable/regularizable upon payment of charges. She contends that her neighbours have erected similar structures and no

action has been taken against them for the past many years. Instead she is being singled out and her representation to the Corporation to regularise/compound the said construction in terms of the extant rules was summarily rejected by respondent no. 3 by a simple statement: “Not found satisfactory”. The order is non-speaking and the response to the petitioner’s letter within 3 hours of its receipt by R-3/the Junior Engineer, SDMC tells a story of its own.

5. Be that as it may, Mr. Ajay Arora, the learned Standing Counsel for the SDMC submits that if the petitioner were to apply for regularisation/compounding of the construction as per rules, her representation shall be duly considered as per law. He further submits that in view of the current COVID-19 pandemic, special care shall be taken not to disturb her residential condition especially since she is a medical professional rendering frontline services at a Government hospital.
6. In the circumstances, this petition shall be treated as the petitioner’s representation to the South Delhi Municipal Corporation, on which a decision shall be taken and communicated to her within four weeks from today. Should the Corporation require any additional documents, the same shall be supplied to it by the petitioner within two weeks of receipt of such notice. Compounding charges, etc., that may be payable, shall be paid upon due communication from the Corporation. Mr. Ajay Arora states, upon instructions, that in the interim no adverse action shall be taken against the petitioner.

7. The writ petition, alongwith pending application, is disposed-off in terms of the above.
8. 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
AB