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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4994/2020**

**BHAGWATI DEVI SHISHU BHARTI EDUCATIONAL
SOCIETY (REGD.) THROUGH ITS SECRETARY SH.
VISHWANATH AGGARWAL**Petitioner

Through: Mr G.K. Mishra, Advocate.

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ORS.** Respondents
Through: Mr Kapil Dutta, Advocate for
NDMC/R-1.
Mr Rahul Sharma, R-2 in person.
Mr Deshraj Gupta, R-3 in person.

**CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI**

ORDER
% **06.08.2020**

The hearing was conducted through video conferencing.

CM APPL.17981-17982/2020 (Exemption)

1. Allowed, subject to all just exceptions. The applications stand disposed-off.

CM APPL.17983/2020 (Court fee)

2. Exemption allowed, subject to the condition that the applicant/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) 4994/2020 & CM APPL.17980/2020 (Stay)

4. Issue notice.

5. Notice is accepted on behalf of the respondents.
6. At joint request of the learned counsel for the parties, the petition is taken up for disposal.
7. The petitioner is aggrieved by the alleged inaction on part of the respondent-Corporation apropos unauthorized construction in property bearing number 510, Gali Raghmal, Kucha Patti Ram, Delhi-110006.
8. Mr. Dutta, the learned counsel for the respondent-Corporation, submits that as of last evening, the property was inspected and part of the unauthorized construction on the second floor has been demolished. Apropos the remaining portion of unauthorized construction, further action will be initiated after 15.08.2020. Nevertheless, he submits that the construction at the site has been stopped and the Corporation has duly intimated the local police to ensure that no further construction is resumed at the site. The Corporation too shall monitor status quo on a daily basis. Extensive photographs as of today shall be placed by the Corporation on record so that it could be ascertained if further construction has been carried out despite i) the said notice, ii) intimation to the police and iii) the daily monitoring by the Corporation.
9. Mr. Rahul Sharma (R-2), an occupant of the building, submits that no illegal/new construction is being undertaken and only the damaged walls and ceiling are being repaired to secure the property. The building is over 90 years old and its roof and walls have extensive seepage, which has been aggravated by the ongoing monsoon. The unchecked seepage/leakage of water could affect the electrical wiring

and is a potential source of grievous, indeed, fatal injury to his minor children and extended family. His states that his living conditions have been compromised, affecting his family adversely.

10. The court is of the view that such repair work to prevent water seepage on the walls and ceiling is essential and a permissible activity, let the same be carried out. The Corporation, may depute an officer by tomorrow, so that the repair work is completed quickly.
11. This petition shall be treated as the petitioner's representation to the Corporation, on which a decision shall be taken after according due hearing to the petitioner and R-2, as well as other parties concerned. The Corporation's decision shall be communicated to the parties within four weeks from today. If the petitioner is required to take any corrective measures, the same shall be done within two weeks thereafter. If the parties are aggrieved by the order of the Corporation, it will be open to the parties to pursue their remedies as may be available to them in law.
12. The petition, along with the pending applications, are disposed-off in the above terms.
13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 06, 2020/rd