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

+ **W.P.(C) 5287/2020**

KISHORE KUMAR AND ANR

..... Petitioners

Through: Mr. Manish Srivastava, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Ajay Arora, SC for North DMC
with Mr. Kapil Dutta, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **14.08.2020**

The hearing was conducted Through: video conferencing.

CM APPL. 19069/2020 & CM APPL. 19070/2020 (exemptions)

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

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3. Issue notice.
4. The learned Standing Counsel named above accepts notice on behalf of the respondent-North Delhi Municipal Corporation ('NDMC').
5. At joint request, the petition is taken up for disposal.
6. The petitioners are aggrieved of not being able to file an application for sanction of Building Plan to make additions and alterations in the existing building. The petitioners claim ownership of the 2nd floor of the property bearing no. 29, Banarsi Dass Estate, Timarpur, Delhi –

110 054, which has been mutated in their names and they have been paying the property tax for the same.

7. The learned counsel for the petitioners submits that in terms of the settled law, NOC cannot be insisted upon from owners of the other portions of the building, therefore, the said insistence of the Corporation, in the online application format, is without basis. He further submits that because of the said clause of NOC from the other co-owners, in the online application format of the Corporation, the petitioners are unable to file their application.
8. The issue that the Corporation cannot insist upon NOC from the owners of the other portions of the building is no more *res integra*.
9. The learned Standing Counsel for the NDMC submits that the petitioners' application shall be considered on its merits, if the same is submitted as per law and extant bye-laws, in particular it has to be supported by a statement of their architect.
10. In view of the above, the petitioner's application shall be considered within two weeks, as per law and extant bye-laws without insisting upon the signatures of the owners of the other portions of the building.
11. The writ petition is disposed-off in terms of the above.
12. The order be uploaded on the website.

NAJMI WAZIRI, J

AUGUST 14, 2020

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