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

+ **W.P.(C) 5951/2020**

GLITZ MEDICARE PVT LTD & ANR. Petitioners
Through: Mr. Mandeep Singh Vinaik & Ms.
Anjali Sharma, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.
..... Respondents

Through: Ms. Pooja Kalra, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **03.09.2020**

The hearing was conducted through physical court.

CM No. 21512/2020(Exemption)

1. Allowed subject to all just exceptions.
2. Application stands disposed off.

WP(C) 5951/2020

3. Issue notice.
4. Ms. Pooja Kalra, the learned counsel accepts notice on behalf of the respondent - Corporation. Since the reliefs are primarily sought against the Corporation, at joint request the petition is taken up for disposal.
5. The petitioner seeks the following relief(s):

"..... the North Delhi Municipal Corporation be directed to pass a speaking order in terms of the directions given by

this Hon'ble Court vide order dated 21st November, 2019 passed in WP (C) No. 13386 of 2018, and directions may be given to have the said order passed expeditiously and to take an expeditious decision on whether the building i.e. Municipal Number 9022-28 and 9078, Ward No. XV situated at Multani Dhanda, Paharganj, New Delhi, is to be demolished as being dilapidated and being unfit for human habitation.

Pass any other order that may be deemed fit in the circumstances may also be passed...."

6. This aforementioned property has been subject matter of earlier litigations. However, there has been a significant change in circumstances since; it has crumbled further in some parts because of unheeded need for extensive repairs. According to the petitioner, the property requires re-appraisal and urgent repairs, lest it collapse more substantially, thereby causing bodily harm and/or fatality to persons residing inside the building or even to passers-by. It is emphasized that the non-grant of permission to for extensive overhaul of the building it leasing to its quickened end. If not addressed immediately, the entire building may be reduced to rubble shortly, thereby causing irreparable prejudice and economic loss to the petitioner.
7. Earlier a structural safety report had been received from IIT, Delhi. However, in view of the recently altered circumstances, the petitioner submits that an assessment may be made by the Corporation itself regarding the structural safety and urgent needs for the property. The said building looks as under:





8. It is stated to be a pre-1947 construction. There was no sanction plan at that time. The petitioner submits that, therefore, for the Corporation to insist upon production of a non-existent document is unreasonable.
9. The Court finds the said argument tenable. Since the sanction plan of the building never existed, the Corporation cannot ask the petitioner to produce something which never existed. The building has existed for nearly 80 years. It needs urgent repairs and renovation. The Corporation will itself assess the safety of the structure through its qualified engineers. It will not necessarily rely upon the third-party evidence.
10. Should a new plan need to be sanctioned, the petitioner will file requisite applications, etc. for issuance of the same. Nevertheless, as regards the urgent repairs, the Corporation will take a decision

within four weeks from today after hearing the parties concerned. The petitioner shall submit such forms, plans and fee, as may be necessary, for alteration/repairs/renovation for obtaining permission in this regard.

11. The petition stands disposed-off in terms of the above.
12. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

SEPTEMBER 3, 2020/kk

NAJMI WAZIRI, J