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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 09.09.2020

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LPA 235/2020 & CM APPLs.22052-53/2020

PALVINDER KAUR & ORS.

..... Appellants

Through: Mr. Pratap Ranjan Sahani, Adv.

versus

GLITZ MEDICARE PVT. LTD. & ORS.

..... Respondents

Through: Mr. M.S. Vinaik, Adv. for R-1.

Ms. Puja Kalra, Adv. for R-3/North
DMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

D.N. PATEL, Chief Justice *(Oral)*

Proceedings in the matter have been conducted through video conferencing.

CM APPL.22053/2020 *(exemption)*

Allowed, subject to just exceptions.

The application stands disposed of.

LPA 235/2020

1. This Letters Patent Appeal has been preferred by the original respondents No. 2 to 4 in W.P.(C) 5951/2020, decided by the learned Single Judge vide judgment/order dated 3rd September, 2020 (Annexure A-1 to the

memo of the present LPA), whereby the following directions have been given in paragraph 10 by the learned Single Judge:

*“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.”*

(emphasis supplied)

2. Being aggrieved and feeling dissatisfied by the above order and direction of the learned Single Judge, the present Letters Patent Appeal has been preferred by the original respondents No. 2 to 4 on various grounds, and specially on the ground that the premises in question has been under the occupation of the appellants for the past several decades and the same is not in a dilapidated condition. It is contended that the directions have been sought for alteration/repairs/renovation just to oust these appellants.

3. Having heard learned counsel for both the sides, it appears that the North Delhi Municipal Corporation had issued notice dated 7th December, 2018, under Section 348 and 349 of Delhi Municipal Corporation Act, 1957. As per the opinion of the Corporation, the building in question is in a dilapidated and dangerous condition, and therefore it requires demolition and reconstruction. The said notice was set aside by the learned Single Judge vide order dated 21.11.2019 passed in W.P.(C) 13386/2018.

4. Later on, another writ petition had been initiated which has resulted into the impugned order whereby the learned Single Judge has directed the Corporation to assess the safety of the structure through its qualified

engineers.

5. Thus, in our view no error has been committed by the learned Single Judge in deciding W.P.(C) 5951/2020 vide judgment and order dated 03.09.2020.

6. Suffice it to say at this stage, that North Delhi Municipal Corporation will take a decision in accordance with law, rules, regulations and Government policies applicable to the facts of the case, and also keeping in mind the several reports, as stated in the earlier orders passed by learned Single Bench of this Court in the earlier writ petitions between the parties, after giving an adequate opportunity of being heard to the appellants and respondents of this Letters Patent Appeal.

7. This LPA is hereby dismissed with the aforesaid observations.

CM APPL.22052/2020 (stay)

In view of the order on the main appeal, no orders are required on this application.

The same stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 9, 2020

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