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

% *Date of Decision: 6th October, 2020*

+ LPA 277/2020

LAXMI NARAIN

..... Appellant

Through: Mr. Manoj Kumar Gahlaut, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION

THROUGH ITS COMMISSIONER & ORS. Respondents

Through: Mr. Akhil Mittal, SC for R-1 & 2.
Mr. Chirag Madan, Advocate for R-3
& R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

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

The proceedings in the matter have been conducted through video conferencing.

CM APPL.24637/2020(exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 277/2020

1. This appeal has been preferred by the original petitioner in W.P.(C) 6503/2020 against the order dated 22nd September, 2020 (Annexure P-1 to the memo of this LPA).
2. Having heard learned counsel for both sides and looking to the facts

and circumstances of the case, it appears that the property in question is in dilapidated and dangerous condition, as per respondent no.1, for which notice has also been issued under the Delhi Municipal Corporation Act, 1957.

3. It further appears from the facts of the case that time and again, inspection has been carried out by the respondent no.1 and, according to respondent no. 1, it is found out that the property is absolutely in dilapidated and dangerous condition. Therefore, the present appellant preferred a petition being W.P.(C) 6503/2020, challenging the stand taken by respondent No.1.

4. It further appears from the facts of the case that as per this appellant, who is a tenant in this premises at ground floor, the property is repairable and not in dangerous condition at all. This appellant has placed reliance upon a report which is at annexure P-3 to the memo of this LPA which discloses that the construction is repairable. Whereas, as per owner of the property, who is residing at the first floor and the second floor, the property in question requires demolition as it is in a dilapidated and dangerous condition.

5. In the given circumstances, the learned Single Judge has directed the North Delhi Municipal Corporation to take a final decision about the condition of the property in question after giving adequate opportunity of being heard to the present appellant (original petitioner). We see no error in the order dated 22nd September, 2020 passed by learned Single Judge in W.P.(C) 6503/2020. The contentions of the parties regarding the condition of the building have not been finally adjudicated, and the statutory authorities have been directed to discharge their function in this regard, after

giving the appellant a hearing.

6. Learned counsel for the respondent no.1 informed this Court that the hearing has already been given to this appellant and speaking order dated 30th September, 2020 has already been passed by respondent no.1.

7. In view of the above, we see no reason to entertain this LPA and this appellant is at liberty to challenge the order dated 30th September, 2020 passed by the respondent no.1 in accordance with law before appropriate forum. The rights and contentions of the parties are left open.

8. With these observations, this Letters Patent Appeal is dismissed.

CM APPLs. 24638-24639/2020

9. In view of the order passed in LPA 277/2020, the pending applications stand disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

OCTOBER 6, 2020
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