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

% Judgment delivered on: 24.02.2021

+ W.P.(C) 2538/2021

NARESH KUMAR AGARWAL & ANR. Petitioners

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Kirti Uppal, Senior Advocate with Mr. Puneet Bhatnagar & Ms. Riya Gulati, Advocates.

For the Respondent: Ms. Shahana Farah, Advocate for SDMC (through Video Conferencing).

Mr. Rizwan with Mr. Keshav Mann & Mr. Sugandh Virmani, Advocates for R-2.

Mr. Mridul Katyal son of Mr. Sanjay Katyal, newly added respondent in person (through Video Conferencing).

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.7480/2021(exemption)

Exemption is allowed subject to all just exceptions

W.P.(C) 2538/2021 & CM APPL.7479/2021(stay)

1. Petitioner seeks a direction to respondent no.1/MCD to take appropriate action with regard to the ground floor and basement of property bearing No. C-6, Kailash Colony, New Delhi and to take

appropriate action in case any illegal structure is found in the said property. Further petitioner seeks a restraint on Corporation from obstructing the repair/renovation work of the broken water pipeline, cleaning of underground water tanks and sewer pipelines installed in the main drive way area, back courtyard and front common entrance gate of the building.

2. On oral prayer of the petitioners, Mr. Sanjay Katyal, owner of the ground floor is impleaded as a respondent. Amended memo of parties be filed during the course of the day.

3. Learned counsel appearing for the Corporation submits that property was inspected and certain deviations were found in the property and appropriate action in accordance with law has already been initiated and appropriate action in accordance with law would be taken.

4. Mr. Mridul Katyal, son of Mr. Sanjay Katyal is also connected through Video Conferencing. He submits that in case any action is taken by the Corporation, he reserves the right to take appropriate remedial action in accordance with law.

5. In view of the above statement, learned Senior Counsel for the petitioners seek leave to withdraw the Prayers (a) and (b) of the petition and restricts the petition to repair/restoration work of the broken water pipeline, cleaning of underground water tanks and sewer pipelines.

6. Leave is granted. Prayers (a) and (b) of the petition is dismissed

of as withdrawn.

7. Learned counsel for the Corporation as well as Mr. Mridul Katyal submit that they have no objection in case the petitioners were to repair/restore the broken water pipeline, clean the underground water tanks and sewer pipelines.

8. In view of the above, petition is disposed of permitting the petitioners to repair/restore the broken water pipeline and clean the underground water tanks and sewer pipelines.

9. It is clarified that petitioners shall not carry out any addition or alteration or construction activity under the guise of repairing/restoration of the broken water pipeline or cleaning of the underground water tanks or sewer pipelines.

10. The petition along with stay application is accordingly disposed of.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 24, 2021

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