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

% Judgment delivered on: 18th November, 2021

+ **W.P.(C) 5933/2021 & CM APPLN. 18716/2021**

PRAVEEN JAIN & ANR.

..... Petitioners

versus

**SOUTH DELHI MUNICIPAL
CORPORATIO & ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Ramesh Singh, Senior Advocate with Mr. Gaurav Tanwar and Ms. Shreya Jain, Advocates.

For the Respondents: Mr. Ajay Arora, Standing Counsel with Mr. Kapil Dutta, Standing Counsel and Mr. Anuj Bhargava, Advocates for SDMC

Mr. Sandeep Sethi, Senior Advocate with Mr. Arvind Bhatt and Ms. Swastika Singh, Advocates for R-3, 4

Mr. Vikas Goel and Mr. Siddharth Pandey, Advocate for Respondent No. 5

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. Petitioner seeks a direction to the respondent-Corporation, as well as the concerned SHO not to allow any construction activity in property bearing No. S-322A, Pansheel Park, New Delhi and further seeks a direction to respondent no. 1-Corporation to debar respondent no. 5, alleged contractor from carrying out any construction activity

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within the jurisdiction of the Corporation.

2. Learned counsel appearing for South Delhi Municipal Corporation submits that a show cause notice has already been issued to respondent no. 3 and 4 to show cause as to why the sanction plan be not revoked. It is further pointed out that a show cause notice has also been issued to respondent no. 5, the alleged contractor.

3. It is disputed by respondent no. 5 that he is either the Architect or the contractor. He submits that respondent no. 5 is merely a consultant and no notice has been received by him.

4. Learned counsel for the respondent-Corporation further submits that so long as the decision is not taken by the Corporation on the show cause seeking to revoke the sanction plan, no construction activity is permitted in the subject property. He submits that even on inspection it was found that the construction activity has been stopped and presently no construction is taking place at the site.

5. Learned Senior Counsel appearing for the petitioner submits that petitioner would be satisfied in case at the time of considering the show cause notice for revocation of the sanction plan, respondent-Corporation takes into account the incident that had happened and also examines as to whether any additional directions/safety measures are required to be taken if construction, is permitted.

6. In view of the above, petition is disposed of with a direction to the Corporation to take a decision on the revocation of the sanction building plan expeditiously. It would be open to the experts of the Corporation to consider in case any measures, over and above, the unified building bye-laws and other rules are additionally required in the facts and circumstances of the case.

7. It is clarified that this Court has neither considered nor commented upon the action of the Corporation seeking revocation of the building plan and it would be open to the respondent no. 3 and 4 to avail of their remedies in accordance with law, if aggrieved by any decision of the Corporation. The Decision of the Corporation be also communicated to the petitioner.

8. It is further clarified that it would be open to the respondent no. 5 or the Architect or the Contractor as the case may be to avail of their respective remedies, in case any action is taken by the Corporation against them.

9. All rights and contentions of parties are reserved.

10. Petition is accordingly disposed of in the above terms.

SANJEEV SACHDEVA, J

NOVEMBER 18, 2021/‘rs’

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