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

% Judgment delivered on: 06th July, 2021

+ **W.P.(C) 6040/2021**

SH PUNEET GHOSH AND ANR Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Arush Kapoor, Advocate

For the Respondents : Mr. Kapil Dutta, Standing Counsel

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 19106-07/2021

Allowed, subject to all just exceptions.

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1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondent-Corporation to de-seal the property bearing Shop No. 38, Chowk, Qutub Road, Sadar Bazar, Delhi for the purposes of rectification and to accept the application for regularization of the said property.
3. Property of the petitioner was booked in the year 2016-17 and

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demolition order was passed for raising unauthorized construction. On 10.01.2017 subject property was also sealed by the respondent on account of raising unauthorized construction.

4. Petitioner filed an appeal before the Appellate Tribunal-MCD which was dismissed by order dated 29.08.2017 thereafter the challenge of the petitioner by way of a further appeal against the order of the Appellate Tribunal-MCD was also rejected by the District Judge on 27.04.2018.

5. Learned counsel for the petitioner submits that since the appeal of the petitioner impugning the action of the respondent has already failed, petitioner now seeks to rectify the property and remove the deviations and thereafter approach the respondent-Corporation for regularization of the structure.

6. Learned counsel for the petitioner submits that the petitioner does not seek to impugn the orders passed by the Appellate Tribunal-MCD or the District Judge on merits.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

8. Learned counsel appearing for the respondent under instructions submits that respondents have no objection in case petitioner were to rectify the building to the satisfaction of the officers of the respondent and bring it in conformity to the building bye-laws. He submits that after rectification is done, petitioner would be at liberty to apply for regularization which application would be considered in accordance with law.

9. In view of the above, respondent is directed to de-seal the premises of the petitioner and the petitioner shall thereafter immediately commence the process of rectification and complete the process of rectification within a period of four weeks and thereafter, within one week, apply for regularization.

10. On receipt of the application, the respondent shall consider the same in accordance with law and pass an order preferably within two weeks on receipt of the application.

11. It is clarified that in case the petitioner fails to rectify and file the regularization application within the period of four plus one week, respondent would be at liberty to once again seal the premises without recourse to this Court.

12. The petition is allowed in the above terms. All rights and contentions of parties are reserved.

13. 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

JULY 6, 2021
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