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

% Judgment delivered on: 06<sup>th</sup> October, 2021

+ W.P.(C) 6728/2019& CM APPLN. 28277/2019, 13977-78/2021

SWAMI CHAKRAPANI JI MAHARAJ ..... Petitioner

versus

UNION OF INDIA & ORS ..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Rajesh Raina, Advocate

For the Respondents: Mr. Ripudaman Bhardwaj, CGSC and Mr. Kushagra Kumar,  
Advocate for UOI

Mr. Tushar Sannu, Advocate, NDMC with Ms. Ankita

Bhadouriya, Mr. Shubham Gupta, Advocate for NDMC

Mr. T.S. Nanda, Adv with SI Sandeep Kumar, PS, Mandir Marg  
for R-3

Mr. Shyam Moorjani, Mr. Tarun Goomber, Mr. Saurabh Singh,  
Advocates for R-4

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J.**

1. The hearing was conducted through video conferencing.

2. Petitioner seeks a direction against the respondent to stop illegal/unauthorized construction/excavation at South India Club, Mandir Marg and further seeks cancellation of the building sanction plan. Further petitioner seeks a direction to respondent no. 4 to repair damage caused to Hindu Mahasabha Bhawan at his own expense besides claiming

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compensation.

3. Learned counsel appearing for NDMC submits that a building plan has been sanctioned and the construction is being carried out as per the sanctioned building plan.

4. This Court by order dated 22.07.2021 had directed the NDMC to carry out surprise inspection of the subject property to ascertain as to whether the directions of the Council are being complied with or not.

5. Status report dated 05.10.2021 has been shared over the e-mail of the Court Master. The same is taken on record.

6. As per the status report, a surprise inspection was carried out at the site by the Assistant Architect of EBR Department in order to verify adherence to the sanctioned building plan as well as the environmental norms.

7. Status report indicates that the Special Technical Team found that all guidelines mentioned in the letter of revalidation dated 09.03.2021 were being followed at the subject premises. It is further stated that the NDMC is taking all necessary steps to ascertain that the guidelines mentioned in the revalidation of letter dated 09.03.2021 are followed by respondent no. 4.

8. In view of the said status report, learned counsel for the petitioner does not press his petition. He, however, prays that a direction be issued to respondent no. 4 to repair the damage caused to Hindu Mahasabha Bhawan

at his own expenses.

9. Learned counsel appearing for respondent no. 4 disputes that any damage has been caused on account of the construction activity. He, however, submits that as construction is being carried out at the site and labour, material and equipment are available at the site, Respondent no. 4, without prejudice, undertakes to repair the entire boundary wall between the two properties which is broken or where cracks are visible.

10. The undertaking is accepted.

11. Accordingly, this petition is disposed of directing that the boundary wall between the two properties be repaired by respondent at his own expenses within a maximum period of four weeks from today.

12. Learned counsel for the petitioner submits that petitioner would have no objection to respondent no. 4 carrying out the said repair at his own costs.

13. It is clarified that this would be without prejudice to the rights and contentions of the parties.

14. 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**

**OCTOBER 6, 2021/'rs'**

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