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

+ **CS(OS) 362/2024, I.A. 10167/2024, I.A. 10168/2024, I.A. 10169/2024**

MR LOVELY CHANDA AND ORS

..... Plaintiffs

Through: Mr. Vivek Chib, Sr. Adv. with Mr. Madhusudan, Mr. Vaibhav Sethi, Ms. Priya Pathania, Ms. Roma Bedi, Ms. Mansi Gupta, Ms. Bija Harini, Advs.

versus

MRS MANJULA M SONI AND ANR

..... Defendants

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Abhishek Sharma, Ms. Manisha Saroha, Mr. Nikhil Beniwal, Mr. Vikram Singh, Mr. Mahabir Singh, Mr. Navish Bhati, Advs. for D-1. Mr. Ranjeet Pandey, Ms Mansha, Advs. for MCD (VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

06.05.2024

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1. The present suit has been filed for a permanent and mandatory injunction along with the following prayer:

“A. Pass Decree of Permanent injunctions in favor of the Plaintiffs and against the Defendant No. 1 restraining him from raising illegal and unauthorized construction at the roof of the suit property.

B. Pass Decree Mandatory injunctions in favor of the Plaintiffs and direct the Defendant No. 2 to take action against Defendant No. 1 for raising illegal and



unauthorized construction at the roof of the suit property and

C. Pass Decree of permanent and mandatory injunctions in favour of Plaintiffs and against the Defendant No. 1, ordering the Defendant No. 1 to remove the illegal construction carried out by him at the roof of the suit property.

D. Award Costs.”

2. Issue notice.
3. Learned counsel appearing on behalf of the defendant has accepted the notice.
4. Learned senior counsel for the plaintiff submits that defendant No.1 is raising construction on the terrace of the second floor without taking any sanction from the MCD.
5. Learned counsel appearing for the MCD submits that they have taken cognizance of the construction being raised and a show cause notice has already been issued for defendant No.1 on 01.05.2024.
6. Learned counsel for MCD submits that MCD shall proceed in accordance with the law.
7. Learned senior counsel for defendant No.1 states that on the terrace of the second-floor defendant No.1 is only raising construction for erecting a sunshade for which there is no sanction or permission is required as per building bylaws.
8. It is an admitted fact that the show cause notice has already been issued. It is for the MCD to decide whether permission is required or not in accordance with the building bylaws.
9. Learned senior counsel for defendant No.1 on instructions states that no



further construction shall be carried out till the sanction/permission, if any required, by the law is granted by the MCD on the terrace of the second floor.

10. Learned senior counsel for the plaintiff submits that in view of the statement made on behalf of defendant No.1, he does not want to press further and the suit may be disposed of.
11. In view of the submissions made, the present suit along with the pending application stands disposed of.

DINESH KUMAR SHARMA, J

MAY 6, 2024/AR..