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

+ **W.P.(C) 6551/2024 & CM APPL. 27299-27300/2024**

SHAYAN LAHIRI

..... Petitioner

Through: Ms. Shubro Prokas Mukherjee, Mr.
Kustubh Singh, Mr. A. Ganguly and
Mr. Avinash Shukla, Advocates

versus

**RAJAT JAIN COOPERATIVE GROUP HOUSING SOCIETY &
ORS.**

..... Respondent

Through: Mr. Ravindra, Advocate for R-1
Mr. Sanjay Katyal, Standing Counsel,
DDA with Mr. Nihal Singh, Advocate
for DDA
Ms. Hetu Arora Sethi, ASC, GNCTD

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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08.05.2024

CM APPL. 27300/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 6551/2024 & CM APPL. 27299/2024

1. Learned counsel for the Petitioner states that he has instructions not to press the present writ petition provided the Petitioner is either left out of the Balcony Extension Project or if the project cannot be completed without removing the construction carried out by the Petitioner on its balcony, then the same may be removed in the first instance provided the same is restored to its original status at the cost of the Society.



2. Learned counsel for the Respondent-Society states that in the event the Petitioner does not wish to be a part of the Balcony Extension Project, the Respondent-Society has no objection to the same. He further states that the construction carried out by the Petitioner in its balcony is unauthorized, illegal and liable to be demolished by the Municipal Corporation of Delhi (MCD).

3. Since the Respondent Cooperative Society in accordance with the notification dated 28th February, 2012 issued by the Lieutenant Governor of Delhi does not insist on the Petitioner joining the Balcony Extension Project, the present writ petition is closed recording the said statement. The legality or the illegality of the construction carried out by the Petitioner in its balcony has to be decided by the MCD and not by this Court in the present proceedings. Accordingly, the said issue is left open.

4. In the event any damage is caused to the Petitioner's balcony during the execution of the Balcony Extension Project, the same shall be repaired/restored by the Respondent Cooperative Society. Pending application is also disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 8, 2024/msh