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

+ **W.P.(C) 15594/2024**

VIMLA SHARMA

.....Petitioner

Through: Mr. Akshya, Adv.

versus

**DELHI DEVELOPMENT AUTHORITY THR VICE CHAIRMAN &
ANR.**

.....Respondents

Through: Mr. Tushar Sannu and Mr. Gaganmeet
Singh Sachdeva, Advs. for DDA
Ms. Shivangi Kumar, Adv. for R-2/
MCD
Mr. Sushil Raaja, SPC for UOI/R-3

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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25.11.2024

CM APPL. 65433/2024 (exemption)

1. Allowed, subject to all just exception.
2. Application stands disposed of.

W.P.(C) 15594/2024 & CM APPL. 65432/2024 (stay)

3. Petitioner is occupant of third floor of a builder floor situated at A-163, Sector-08, Dwarka, New Delhi.
4. Petitioner is aggrieved by the manner in which the "*fourth floor occupant*" is raising construction over the terrace/roof top of the abovesaid property.
5. Learned counsel for DDA appears on advance notice and informs that a *Show Cause Notice* in this regard has already been issued to "*fourth floor*

W.P.(C) 15594/2024

1



occupant” i.e. Mr. Rajendra Sharma on 18.07.2024 and he had been given various opportunities to appear along with the requisite documents and plan, failing which appropriate action will be taken.

6. Learned counsel for DDA also intimates that the fourth floor occupant is duly served with the *Show Cause Notice* and one Shri Amit Upadhyay, Authorized Representative of such occupant had even appeared before DDA and was provided with a copy of the *Show Cause Notice*. It has been informed that the matter would be taken up by the Deputy Director (Building) on 28.11.2024 for further consideration. It is also informed that the concerned occupant of the fourth floor has already been given a “last and final opportunity” to appear before the said authority.

7. During course of the arguments, learned counsel for the respondents submits that they have no intention to delay the matter and would take the abovesaid *Show Cause Notice* to its logical end.

8. Keeping in mind the overall facts and circumstances of the case and after hearing both the parties, the present writ petition is disposed of with direction to respondent-DDA to dispose of the issue with respect to the alleged unauthorized construction being raised on the top floor terrace within eight weeks from today.

9. Needless to say that this Court has not made any observation with respect to the merits and demerits of the case and is without prejudice to rights and contentions, if any, of the top floor occupant.

MANOJ JAIN, J

NOVEMBER 25, 2024/ns

W.P.(C) 15594/2024

2