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

+ W.P.(C) 13448/2024 and CM APPL. 64848/2024

SIDDHARTH JAIN

.....Petitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Sumehar Bajaj and Mr. Bharat Arora,
Advocates

versus

**ASSISTANT ENGINEER MUNICIPAL CORPORATION DELHI &
ORS.**

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.

Mr. Amit Goel and Ms. Ruchi Goel, Advocates for
R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.02.2025

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1. Matter has been taken up today as 05.02.2025 was declared a holiday on account of elections in Delhi.
2. This writ petition is preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:-

“(i) Issue an appropriate, writ order or direction to the Respondent No.1 & 3 directing them to open the First Floor and maintain, renovate and strengthen the same so that no seepage, leakage and/or weaking of the structure happens, more particularly to make sure that the building which is over 100 years old is safeguarded and protected and that there is no further damage to the Premises No. 1629 Ground Floor, S. P. Mukherjee Marg, Delhi - 110006 consisting of a ground floor office and mezzanine floor under the legal use, possession and occupation of Petitioner;

(ii) Issue an appropriate, writ order or direction to the Respondents directing them to rectify all damage done in the area due to the construction of the Novelty Cinema Complex and act as per law in this regard;



(iii) Issue an appropriate, writ order or direction to the Respondents directing them to repair, renovate, strengthen and repaint the wall and other areas adjoining Novelty Cinema Complex and the premises under the use, possession and occupation of Petitioner, to ensure that there is no further seepage, leakage and/or other structural issues to building no. 1629, S. P. Mukherjee Marg, Delhi - 110006;

(iv) Issue an appropriate, writ order or direction to the Respondents directing them to ensure there is no injury and / or damage caused to any person and/or property and the building being 1629 (Ground Floor), S. P. Mukherjee Marg, New Delhi - 110006 consisting of the Ground Floor Office and Mezzanine Floor is fully safeguarded, strengthened and protected immediately;”

3. After canvassing arguments at some length, learned counsels for the parties are *ad idem* that a solution can be found to resolve the *inter se* disputes between the parties.
4. With the consent of the parties, it is agreed that:
 - (a) Petitioner shall carry out repairs in the Ground and Mezzanine Floors of property bearing No. 1629, S.P. Mukherjee Marg, New Delhi ('subject property') at his own cost;
 - (b) In view of the alleged seepages etc. in the First Floor of the said property, MCD shall open the lock and carry out the necessary repairs;
 - (c) As far as the outer wall of the subject property adjoining the property of Respondent No.2 is concerned, necessary repairs will be carried out by Respondent No.2, after an assessment by the structural engineer and Petitioner shall make no complaints or fasten any liability if any consequent damage is caused as a result of the repairs carried out by Respondent No.2.
5. It is further agreed between the parties that the schedule of the works agreed to be carried out will be fixed with mutual convenience of parties.



6. In view of the aforesaid arrangement worked out between the parties, with their consent, no further order is required to be passed in the present writ petition, which is accordingly, disposed of, along with pending application.

JYOTI SINGH, J

FEBRUARY 06, 2025/shivam