

(2009) 01 DEL CK 0211
In the Delhi High Court
Case No : L.P.A. 13 of 2009

Ram Nath Suraj Singh and Rishi Kumar	APPELLANT
Vs	
N.D.M.C. and Another	RESPONDENT

Date of Decision : 16-01-2009

Acts Referred:

Citation : (2009) 01 DEL CK 0211

Hon'ble Judges : A.P. Shah, C.J; Sanjiv Khanna, J

Bench : Division Bench

Advocate : A.K. Singla and Pankaj Gupta, for the Appellant; Madhu Tewatia, Sidhi Arora for Respondent No. 1, S.K. Pruthi and Manoj Ahuja, for the Respondent

Final Decision : Dismissed

Judgement

1. The appellant-landlord has filed a suit for injunction against respondent No. 2, the tenant- Punjab National Bank on the ground that the tenant should not carry out any construction and should not make additions/alterations in the premises.
2. The appellant also filed W.P.(C) No. 4222/2007 questioning the sanction dated 6th March, 2007 granted by N.D.M.C. permitting respondent No. 2 to carry out internal additions and alterations. The appellant had contended that the N.D.M.C. should not have sanctioned internal additions/alterations on an application made by a tenant without approval and no objection from the owner. By the impugned order, the writ petition has been dismissed.
3. We agree with the learned Single Judge that the question of ownership and right of respondent-tenant to apply for sanction of building plans is not required to be examined in the present case. Learned Single Judge has held that the additions/alterations undertaken by the respondent No. 2 are covered by bye law No. 6.4.1 for which no sanction or permission is required from N.D.M.C. This is also the stand of N.D.M.C. In these circumstances, grant of sanction to carry out internal additions/alterations to respondent No. 2 by N.D.M.C. by letter dated 6th

March, 2007, communication dated 24th April, 2007 and the subsequent withdrawal of the said communication by letter dated 18th May, 2007 are inconsequential. When no sanction itself is required, the question of right of respondent No. 2 tenant to apply for sanction/permission is rendered meaningless and futile. Right of the respondent-tenant to apply for sanction of the building plans need not be examined.

4. Accordingly, we do not find any merit in the present appeal and the same is dismissed. However, it is recorded that the findings recorded by the learned Single Judge and in this order are on the basis of oral submissions made by the parties and these findings will not be binding in the Suit No. 189/2007, which is pending between the parties. The said findings will also not be binding in eviction proceedings, if any, or any other proceedings which are pending or may be filed.