
(2011) 01 DEL CK 0443
In the Delhi High Court
Case No : LPA 648 of 2010

Suniti Madan

APPELLANT

Vs

New Delhi Municipal Council

RESPONDENT

Date of Decision : 24-01-2011

Acts Referred:

Citation : (2011) 179 DLT 509 : (2011) 6 RCR(Civil) 373

Hon'ble Judges : Dipak Misra, C.J; Sanjiv Khanna, J

Bench : Division Bench

Advocate : Nandita Rao, for the Appellant; Ashutosh Lohia, for the Respondent

Final Decision : Disposed Off

Judgement

1. The present appeal is directed against the order dated 20th August, 2010 passed by the learned single Judge in Writ Petition (Civil) No. 9985/2009. When this appeal was listed on 17th September, 2010, the following order was passed:

Heard Ms. Nandita Rao, learned Counsel for the Appellant and Mr. Asutosh Lohia, learned Counsel for the Respondent.

As conceded to by the learned Counsel for the parties, let this appeal be sent for mediation to the Delhi High Court Mediation and Conciliation Centre.

The parties shall appear before the Secretary, Delhi High Court Mediation and Conciliation Centre on 29th September, 2010 at 2:00 p.m.

As we are sending the matter for the mediation on consent, status quo existing as of today shall remain in force till the report is received from the Delhi High Court Mediation and Conciliation Centre.

List the matter on 19th November, 2010.

2. We have been apprised that an interim settlement has been arrived at before the learned Mediator. Paragraph 6 of the said settlement reads as follows:

6. The following settlement has been arrived at between the parties hereto-

(a) Vide LPA No. 648/2010, the Appellant had inter alia, prayed for the regularization of the front staircase constructed by her in Shop No. 32, Khan Market or removal of the electric junction boxes which were obstructing the access to the rear staircase.

(b) The Appellant, in accordance with the advice received, attempted to move a formal application with the Respondent for getting the necessary action done on the part of the Respondent in terms of the prayers made in the LPA.

(c) The Respondent was unable to accept a fresh application in terms of the above from the Appellant on account of the matter being sub judice in the High Court and conveyed that they would be able to do so only on the directions of the Hon"ble Court.

(d) As an interim settlement the Appellant will be approaching, the Division Bench for directions on the Respondent to receive the application from the Appellant without prejudice to the rights and contentions of the parties in the matter and consider the same as per rules and if permissible under the BBL regularize the front staircase constructed by the Appellant.

(e) The Respondent will have no objection to the Appellant moving an application before the Hon"ble Court seeking directions as above.

3. Ms. Nandita Rao, learned Counsel for the Appellant has submitted that the further proceedings before the Mediator is unnecessary if this Court would direct the Respondents to consider the case of the Petitioner for regularization of upfront staircase in the front side of the shop No. 32 or for removal of electricity junction boxes. Learned Counsel for the Respondent has fairly stated that he has no objection for considering the alternative prayers.

4. Recording such concession the appeal stands disposed of. The order of the learned Single Judge stands modified to that extent. There shall be no order as to costs.