

(2022) 01 DEL CK 0117

In the Delhi High Court

Case No : Civil Writ Petition No. 1041 Of 2022, Civil Miscellaneous Application
No. 2961-2962 Of 2022

Veer Singh & Ors.

APPELLANT

Vs

North Delhi Municipal Corporations & Ors

RESPONDENT

Date of Decision : 17-01-2022

Acts Referred:

Citation : (2022) 01 DEL CK 0117

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Ashok Kumar Garg, Akshai Malik, Anand Prakash, Varsha Arya,
Satyam Dwivedi, Khajit Thukral

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a restraint on the respondents from raising any construction in property bearing No.12, Vivekanand Puri, Sarai Rohilla, New Delhi.
3. It is contended that on account of the construction that is being raised in the subject property and digging of the basement, the property of the petitioner being property No.11, Vivekanand Puri, Sarai Rohilla, New Delhi tilted and got damaged.
4. Issue notice. Notice is accepted by learned counsel appearing for respondent No.1 as also by counsel appearing for respondent Nos.2 to 4.
5. Learned counsel appearing for respondent No.1 submits that there is a sanctioned plan for raising construction and even construction of the basement has been sanctioned.

6. Learned counsel appearing for respondent Nos.2 to 4 submits that certain compensation was sought by the petitioner and which was not acceded to on account of which the subject petition has been filed. He disputes the photographs placed on record. He submits that the adjoining area had fallen down on its own and immediate steps for repair of the same were undertaken.
7. He however submits that in case any damage has been caused to the property of the petitioner on account of the construction activity, said respondents undertake to have the property of the petitioner repaired expeditiously at their own costs.
8. Without prejudice to the dispute being raised by respondent 2 to 4, the officers of the respondent Corporation are directed to inspect both property No.11 and property No. 12 within one week to ascertain as to whether the construction being carried out in property No.12 is in accordance with the sanctioned building plan or not and further as to whether any damage has been caused to the property of the petitioner i.e. property No.11, Vivekanand Puri, Sarai Rohilla, New Delhi on account of said construction.
9. In case it is found that there is any damage to the property of the petitioner because of the construction being carried out by respondent Nos.2 to 4 remedial steps be suggested by the officers.
10. On such remedial steps being suggested, respondent Nos.2 to 4 shall immediately rectify the same at their own costs.
11. Petition is disposed of in the above terms.
12. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.