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

+ W.P.(C) 655/2016

RAKESH KUMAR GUPTA

..... Petitioner

Through: Mr. B.K. Sood, Mr. Shiwam Rawat
and Mr. Gaurav Garg, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND
ANR

..... Respondents

Through: Mr. Ajay Arora and Mr. Kapil Dutta,
Advs. for R-1.

AND

W.P.(C) 684/2016

HARVINDER KAUR AND ORS

..... Petitioners

Through: Mr. B.K. Sood, Mr. Shiwam Rawat
and Mr. Gaurav Garg, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND
ANR

..... Respondents

Through: Mr. Ajay Arora and Mr. Kapil Dutta,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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25.01.2016

CM No. 2737/2016 and

CM No. 2814/2016

Allowed, subject to all just exceptions.

Applications are disposed of.

Caveat 66/2016 in W.P. (C) 684/2016

Since caveator has appeared caveat is discharged

W.P. (C) 655/2016 and
W.P.(C) 684/2016

Notice. Show cause notice is accepted by the counsel for the respondents. Counsel for the petitioners to supply complete paper book to the counsel for respondent no.2 during course of the day. Let counter affidavit be filed within two weeks. Rejoinder be filed within two weeks thereafter.

Learned counsel for the petitioners submits that petitioners are tenants of respondent no.2. Respondent no.1 has declared the building as dangerous in connivance with respondent no.2, in order to get the property vacated from the petitioners. He further submits that a structural engineer from Indian Institute of Technology (IIT), Delhi may be appointed to inspect the building and give his report as to whether building is dangerous or not. He has placed reliance on order dated 27th November, 2014 passed in W.P. (C) 8323/2014 wherein a structural engineer was appointed in the similar circumstances.

To verify the factual position existing on the ground, I deem it appropriate to appoint a structural engineer from IIT. Accordingly, the Director, IIT, Delhi is requested to appoint a structural engineer to inspect the building in question on 28th February, 2016 at 01:00 pm and submit his

report to this Court within two weeks thereafter. To facilitate the inspection by the Structural Engineer, appointed by the Director, officials of respondent no.1 shall remain present at site on the aforesaid date and time.

Respondent no.2 has already vacated the property. Petitioners undertake to vacate the building within three days irrespective of pendency of the writ petition. After building is vacated by the petitioners respondent no.1 shall seal the whole building. However, it shall de-seal the building on the date of inspection by the structural engineer. After inspection, building shall be re-sealed. Fee of the structural engineer is fixed at ₹100,000/- (Rupees One Lac Only), which shall be paid by the petitioners in advance.

List on 11th March, 2016.

Copy of the order be given dasti to the parties.

A.K. PATHAK, J.

JANUARY 25, 2016

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