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

+ W.P.(C) 655/2016, CM Nos. 2736/2016, 22173/2016, 7946/2017,
14249-14250/2019

RAKESH KUMAR GUPTA Petitioner

Through: Mr. B.K. Sood and Mr. Harish Gaur,
Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND
ANR Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapil Dutta
Advs. for Nr. DM.C.
Mr. S. Vedi, Adv. for R2.
Mr. Rohit Puri, Adv. for applicants

AND

+ W.P.(C) 684/2016, CM Nos. 2813/2016, 22177/2016, 7938/2017,
38456/2017 & 14247-14248/2019

HARVINDER KAUR AND ORS Petitioners

Through: Mr. B.K. Sood and Mr. Harish Gaur,
Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND
ANR Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapil Dutta
Advs. for Nr. DM.C.
Mr. S. Vedi, Adv. for R2.
Mr. Rohit Puri, Adv. for applicants

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **25.07.2019**

1. Present petitions have been filed by the petitioners with the following prayers:

W.P.(C) 655/2016

“Having regard to what has been stated above, it is therefore

prayed that this Hon'ble Court may be pleased to:

- a) issue a writ of certiorari or any other appropriate writ, order or direction thereby quashing the impugned orders dated 14.01.2016.*
- b) issue an appropriate writ of prohibition or any other writ, order or direction thereby restraining respondents from acting in pursuance to the orders dated 14.01.2016 purported to be under Section 349 of MCD Act and restrain the respondents from demolishing the portion in occupation of the petitioner in the ground floor of property bearing No. 1400, Gali No. 22, Block-D, Naiwala, Karol Bagh, New Delhi – 5;*
- c) permit the petitioner carry on his business from the shop in question situated in the aforesaid building.*
- d) pass such or further orders as this Hon'ble Court may deem fit in the circumstances of the case.”*

W.P.(C) 684/2016

“Having regard to what has been stated above, it is therefore prayed that this Hon'ble Court may be pleased to:

- a) issue a writ of certiorari or any other appropriate writ, order or direction thereby quashing the impugned orders dated 14.01.2016.*
- b) issue an appropriate writ of prohibition or any other writ, order or direction thereby restraining respondents from acting in pursuance to the orders dated 14.01.2016 purported to be under Section 349 of MCD Act and restrain the respondents from demolishing the portion in occupation of the petitioner in the ground floor of property bearing No. 1402, Gali No. 22, Block-D, Naiwala, Karol Bagh, New Delhi – 5;*
- c) permit the petitioners carry on his business from the shop in question situated in the aforesaid building.*
- d) pass such or further orders as this Hon'ble Court may deem fit in the circumstances of the case.”*

2. From time to time this court had passed orders. Pursuant to the order

passed by this court on January 25, 2016 an Engineer from IIT, Delhi was appointed to verify the existing factual position of the building in question and submit his report. The Structural Engineer of IIT Delhi has submitted his report. The conclusion part of which reads as under:

“The Property No. 1398-1403, Naiwala, Karol Bagh, New Delhi – 110005 is in a poor state. The building is unsafe due to deterioration and the demolition of second floor and roof slabs of mezzanine and upper floors and also complete second floor and its roof slab of the building in question. The poor maintenance of the building has also led to the building being unsafe. The part of the structure that is damaged should be immediately repaired, rehabilitated & restored preferably by demolishing the older weathered portions of the building like the chajja protections and wooden sections by adopting standard construction techniques. Until structural safety of the entire property is fully ensured technically, upon undertaking above mentioned repairs, restoration and rehabilitation works, it is advisable not to use it.”

3. Suffice it would be state that the status report is of the year 2016. Three years have gone by. I have been informed that only the ground floor and parts of first floor of the property exists. The condition is not known. In other words, whether the structural stability of the property continues to be the same as was noticed by the structure of the IIT in the year 2016. I deem it appropriate to direct the Structural Engineer of the IIT to examine the building as it stands today and submit his report on the overall view of the building within six weeks. The Structural Engineer shall take into consideration its earlier report of the year 2016. The expenses for inspection of the property of Rs.1,00,000/- shall be borne by the petitioner, who shall

deposit the same with the IIT, Delhi in advance before inspection.

List on December, 10, 2019.

A copy of this order be sent to the Director, IIT, New Delhi for compliance along with the report of the year 2016 and a copy of the writ petition.

V. KAMESWAR RAO, J

JULY 25, 2019/jg