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

+ W.P.(C) 1907/2020

SURINDER SINGH

..... Petitioner

Through None.

versus

COMMISSIONER, NORTH DELHI

MUNICIPAL CORPORATION & ORS

..... Respondents

Through

Mr.Akshay Verma, ASC with
Mr.Pawan, Adv. for R-1/North DMC.
Mr.Abhinav Singh and Mr.Vinod
Kr.Goyal, Advs. for R-3.

Mr.T.K.Ganju, Sr.Adv. with
Mr.Shekhar Mittal and Ms.Jhanvi
Dubey, Advs. for R-4/applicant.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.02.2020

CM APPL. 7881/2020

1. This application is filed by the applicant/respondent No.4 seeking vacation of the order dated 19.02.2020 passed by this court staying construction at the residential premises of respondent No.4 and also seeking permission to permit respondent No.4 to construct and restore the boundary wall at the rear end of his residential premises as it existed before construction commenced to ensure safety of the occupants of the same building.
2. I may clarify that on 19.02.2020 this court has restrained respondent No.4 from carrying on any further construction on the third floor of the property in question.
3. Learned senior counsel appearing for respondent No.4 submits that



the construction that has been carried out is not illegal and has been carried out with the written consent of other occupants of the same building. He further submits that in the course of carrying out demolition, the main wall of the building, which was in existence prior to the alleged unauthorised construction, has also been demolished opening the building to egress and ingress by the outsiders.

4. None has appeared for the petitioner despite service of advance copy.

5. In view of the above, the applicant/respondent No.4 is permitted to reconstruct and restore the boundary wall of the rear end of his residential premises as is existed prior to the alleged unauthorised construction to ensure safety of the occupants of the same building. The applicant/respondent No.4 may also install a door in the wall and a 4 ft. height railing in the open courtyard.

6. Learned senior counsel for the applicant/respondent No.4 submits that in the meantime, the applicant/respondent No.4 will take steps to approach respondent No.1/North DMC for regularisation/permission for the alleged unauthorised construction.

7. List on 17.08.2020, the date already fixed.

8. A copy of this order be given *dasti* under the signatures of the court master.

JAYANT NATH, J.

FEBRUARY 27, 2020/v