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

% Judgment delivered on: 30th April, 2021

+ **W.P.(C) 4867/2021 & CM APPLN. 15019/2021**

DR LATA MAITRI

..... Petitioner

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ANR.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Arun Maitri and Ms. Radhika Chandrasekhar,
Advocates

For the Respondents: Mr. Mukesh Gupta, Standing Counsel with Mr. Mayank
Ahuja for North DMC
Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Ayushi
Bansal, Advocate for respondent 2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent-North Delhi Municipal Corporation to upload the order dated 26.12.2014 (Annexure-A to this petition) with regard to premises bearing No. 5A/2, Bhama Shah Marg, Near Gurudwara Nanak Piao, Delhi, on the NDMC website and also to inform the Sub-Registrar regarding the

said order.

3. Further a direction is sought to the respondent-North DMC to issue a declaration that they have no objection regarding creating of any charge lien interest transfer of the subject property in view of the provisions of National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 as per order dated 26.12.2014.

4. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 1 as well as respondent no. 2.

5. Learned counsel appearing for respondent no. 1 – North DMC, under instructions from Mr. Sandeep Manglay, Assistant Law Officer, Keshav Puram Zone, North DMC, submits that there is no provision of uploading order dated 26.12.2014 on the website. He, however, confirms that order dated 26.12.2014 annexed as Annexure-A to the petition has been passed by the Executive Engineer (Civil Lines Zone) qua the subject property. He submits that the said order is still in force.

6. Learned counsel, however, submits that though there is unauthorized construction in the property, subject order has been passed because of the moratorium granted by the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011. He submits that in view of the moratorium, the unauthorized construction is not actionable at this stage. The statement is taken on record.

7. In view of the above, this petition is disposed of with a direction to respondent no. 2 to take cognizance of order dated 26.12.2014 (Annexure-A to this petition) with regard to premises bearing No. 5A/2, Bhama Shah Marg, Near Gurudwara Nanak Piao, Delhi and to act accordingly.

8. The petition is disposed of in the above terms.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

APRIL 30, 2021
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नित्यमेव जयते