

(2020) 02 DEL CK 0266

In the Delhi High Court

Case No : Civil Writ Petition No. 13855 Of 2018, Civil Miscellaneous No. 54130 Of 2018, 3448, 8192 Of 2019

Amba Prasad Jadavjee & Co

APPELLANT

Vs

North Delhi Municipal Corporation

RESPONDENT

Date of Decision : 12-02-2020

Acts Referred:

Citation : (2020) 02 DEL CK 0266

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Hrishikesh Chitale, Daksh Wadhawan, Mukesh Gupta, Mayank Ahuja, Rajiv Bansal, Prabhsahay Kaur, Parul Panthi, Shruti Gala, Anant Nigam

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

W.P.(C) 13855/2018

1. Learned counsel for the petitioner submits that suffice it would be for disposal of this petition if this Court gives suitable directions to respondent no.

1 to decide the show cause notice dated 15th January, 2018 in accordance with law, rules, regulations, Government policies as applicable to the facts

of the case and also as per the Master Plan for Delhi, 2021, especially Claus 6.1 thereof.

2. Having heard counsel of both the sides and looking to the facts and circumstances of the case, it appears that respondent no.1 had issued a show

cause notice dated 15th January, 2018. Initially, the writ petition was preferred challenging the said show cause notice. Now, the prayer 15(a) of this

writ petition is amended and the petitioner is in search of consequential relief. As per the amended prayer, the petitioner is in search of

directions from this court to respondents for not sealing the premises in question. Looking to this aspect of the matter and also the order dated 14th

October, 2019 passed by this Court in WP(C) no. 13833/2018, we hereby direct the respondent no. 1 to decide the show cause notice dated 15th

January, 2018 issued to the petitioner, in accordance with law, rules, regulations, Government policies as applicable to the facts of the case and also as

per the provisions of the Master Plan for Delhi, 2021. Learned counsel for the petitioner is pressing reliance on Clause 6.1 of the Master Plan for

Delhi, 2021, which will be appreciated by the respondent no. 1 along with other aspects of the matters while taking the decisions, after giving adequate

opportunity of being heard to the petitioner. We hereby direct the petitioner to approach the Deputy Commissioner, City - Special Zone, North Delhi

Municipal Corporation on 24th February, 2020 between 11 am to 1 pm and thereafter, if required, the concerned officer can give a suitable date and

time to the petitioner for further hearing. If this petitioner fails to attend the hearing before the concerned respondent authority, the respondent no. 1 is

permitted to decide the matter ex-parte, after giving one or two adjournments.

3. With these observations, this writ petition is hereby disposed of.

CM Appl. Nos.54130/2018, 3448/2019, 8192/2019

4. In view of the order passed in the writ petition, these applications are disposed of.