

(2021) 04 DEL CK 0079

In the Delhi High Court

Case No : Civil Writ Petition No. 4416 Of 2021, Civil Miscellaneous Application
No. 13513-13514 Of 2021

Disha Garg

APPELLANT

Vs

South Delhi Municipal Corporation

RESPONDENT

Date of Decision : 08-04-2021

Acts Referred:

Delhi Municipal Corporation Act, 1957 — Section 345A

Citation : (2021) 04 DEL CK 0079

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Saurabh Dev Karan Singh, Ranjeet Pandey

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner is aggrieved by notice dated 26.03.2021 under Section 345-A of the Delhi Municipal Corporation Act, 1957 directing petitioner to stop the misuse allegedly being carried out in basement of property No.W-20, Green Park Main, New Delhi-110016.

2. It is contended that the said portion is allegedly being used for commercial purposes under the name and style of M/s. Disha Creations and office of M/s. Nyassa Astro Corp Pvt. Ltd.

3. Learned counsel for the petitioner submits that petitioner is not running any commercial activity from the basement. He further submits that only half of the basement of the subject property is in the possession of the petitioner, which is being used as storage for the purposes of storage of household articles etc. He submits that petitioner does not carry out any commercial activity in the said basement.

4. He submits that subject notice was issued without giving an opportunity to the

petitioner to show cause or to even file a response to satisfy the Corporation that the basement is not being misused.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

6. Learned counsel for the respondent concedes that no show cause notice was issued to the petitioner prior to issuance of the impugned notice.

7. In view of the above, it is directed that the impugned notice dated 26.03.2021 shall be treated as a show cause notice to the petitioner. Petitioner shall file a response to the show cause notice within a period of one week from today.

8. Respondent shall thereafter dispose of the show cause notice by a speaking order and after giving an opportunity of hearing to the petitioner.

9. It is directed that any further coercive action would be subject to orders to be passed by the respondent on the show cause notice.

10. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either parties. All rights and contentions of parties are reserved.

11. In case petitioner is aggrieved by any subsequent order to be passed by the respondent, petitioner would be at liberty to avail of his remedies in accordance with law.

12. Petition is disposed of in the above terms.

13. Order dasti under signatures of the Court Master.