
(2000) 11 DEL CK 0065

In the Delhi High Court

Case No : C.W.P. No. 6674 of 2000 and C.M. No. 10226 of 2000

Masonic Club

APPELLANT

Vs

MCD and Others

RESPONDENT

Date of Decision : 01-11-2000

Acts Referred:

Citation : (2000) 11 DEL CK 0065

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Rakesh Munjal and Rajiv Vig, for the Appellant; Anjana Gosain, for the Respondent

Judgement

Vijender Jain, J.—Aggrieved by the order of sealing, this petition has been filed by the petitioner. It has been contended that no show cause was given to the petitioner before sealing the property. It has also been contended that no notice was served upon the petitioner after 15.9.2000 when according to the record of the respondent which has been perused by me, the alleged unauthorised construction was booked. The method and manner in which the original notice dated 25.10.2000 is prepared by the respondent create doubt about the genuineness of the same. Even the same has not been properly served on the petitioner. In any event of the matter. I have perused the notice in question. No specific mention has been made in the notice as to which portion of the property in question is unauthorised, as to what is the approximate or alleged date of construction, the area of unauthorised construction. Notice dated 21.9.2000 is no notice in the eyes of law. As the premises of the petitioner is sealed without giving any opportunity to the petitioner, I direct Mr. Rajesh Mishra, Zonal Engineer (Building) and Mr. S.M.r. Zaidi, Junior Engineer (Building), who are present in Court, to de-seal the property of the petitioner forthwith. However, respondents will be at liberty to give notice of any unauthorised construction in the premises in question to the petitioner in accordance with law.

Petition stands disposed of in terms of this order.

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2. Writ Petition disposed of.