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

+ **W.P.(C) 6607/2012**

HIMGIRI CARS PVT LTD. Petitioner
Through: Mr. T.K. Ganju, Senior Advocate, with
Mr. Sudeep Kumar Shrotriya,
Mr. Sumit Paliwal & Mr. Utkarsh
Dixit, Advocates along with Mr. Bipin
Sharma, Authorised Representative of
petitioner-Company

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Rajiv Bansal, Mr. Rahul Bhandari
& Ms. Nitisha Kathuria, Advocates

+ **W.P.(C) 6608/2012**

KRISH AUTO MOTORS PVT LTD. Petitioner
Through: Mr. T.K. Ganju, Senior Advocate, with
Mr. Sudeep Kumar Shrotriya,
Mr. Sumit Paliwal & Mr. Utkarsh
Dixit, Advocates along with Mr. Bipin
Sharma, Authorised Representative of
petitioner-Company

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Ajay Verma & Mr. Amit Mehra,
Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
17.10.2012

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Signature Not Verified
Digitally Signed
By:AMULYA

CM No.17451/2012 & CM No.17452/2012 in W.P.(C) No.6607/2012

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CM No.17454/2012 & CM No. 17455/2012 in W.P.(C) No.6608/2012

Allowed, subject to all just exceptions.

W.P.(C) No. 6607/2012 & CM No.17450/2012

W.P.(C) No. 6608/2012 & CM No.17453/2012

1. Learned senior counsel for petitioners states that subject matter in the above captioned two writ petitions is identical. Therefore, the above captioned writ petitions are being heard together.

2. Show Cause Notice of 18th September, 2012 (Annexure-A) and order of 28th September, 2012 (Annexure-B) of Appellate Tribunal of Municipal Corporation of Delhi, New Delhi is assailed in these two writ petitions.

3. Learned senior counsel appearing for petitioners submits that till respondent takes a decision on Show Cause Notice of 18th September, 2012 (Annexure-A), after affording an opportunity of hearing to petitioners, no coercive step, including demolition/ sealing in respect of property No. 118 (C), SMA Cooperative Industrial Estate, G.T. Karnal Road, Delhi-33 and also property No. 118 (B), SMA Cooperative Industrial Estate Ltd., Delhi-110033 be taken. It is also submitted by learned senior counsel for petitioners on instructions that the appeal out of which impugned order of 28th September, 2012 (Annexure-B) arises, would be withdrawn within a week.

4. Notice.

5. Mr. Rajiv Bansal & Mr. Ajay Verma, Advocates, accept notice of both the above captioned two petitions on behalf of respondent-DDA.

6. Counsel for respondent-DDA state that petitioners would be certainly heard before any action is taken in pursuance to impugned

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Show Cause Notice of 18th September, 2012 (Annexure-A).

7. Learned senior counsel for petitioners states that the respective Authorized Representative of petitioners would be appearing before respondent's Director (Lands) on 2nd November, 2012 at 3:30 p.m..

8. Let the concerned authority afford an effective hearing to Authorized Representatives of petitioners in response to impugned Show Cause Notice of 18th September, 2012 (Annexure-A), with liberty to file supplementary reply, if any within a week.. Till a decision upon the impugned Show Cause Notice of 18th September, 2012 (Annexure-A) is taken by respondent-DDA, let *staus quo*, as of today, in respect of subject properties be maintained and outcome thereof be conveyed to petitioners within two weeks thereafter. Needless to say that order of *status quo* shall prevail even for a week after respondent's decision upon Show Cause Notice of 18th September, 2012 (Annexure-A) is conveyed to petitioners to enable them to avail of the remedy, as available under the law, if required.

9. With aforesaid observations, the above captioned two petitions and applications are disposed of, with no order to costs.

10. Copy of this order be given *dasti* under the signatures of Court Master to counsel representing both sides.


(SUNIL GAUR)
JUDGE

OCTOBER 17, 2012

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