

\$~16 to 21

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

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+ W.P.(C) 4357/2012 & CM 9023/2012, 1344/2013

PRAKASH JUNEJA

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

+ W.P.(C) 4360/2012 & CM 9027/2012, 1343/2013

ZAHARUDDIN AND ANR

..... Petitioners

versus

NORLTH DELHI MUNICIPAL CORPORATION

..... Respondent

+ **W.P.(C) 4361/2012 & CM 9028/2012, 1342/2013**

MASOOD ANWAR AND ANR

..... Petitioners

versus

NORTH DELHI MUNICIPAL CORPORATION..... Respondent

+ **W.P.(C) 4362/2012 & CM 9029/2012, 1345/2013**

RAMA VIJHANI

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

+ **W.P.(C) 4364/2012 & CM 9031/2012, 1346/2013**

JAGDISH CHAND

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

+ **W.P.(C) 4363/2012 & CM 9030/2012, 1341/2013**

VINOD KRMAR AND ANR

..... Petitioners

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Pr: Mr Brijesh Kr Gupta, Advocate for petitioner in item Nos. 16 to 21.

Ms Biji Rajesh, Advocate forms Gaurang Kanth, Advocates for respondent in item Nos. 16, 17 & 20.

Mr Ajay Arora, Advocate for respondent in item Nos. 18,19 & 21.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.05.2015

The petitioners in all these petitions are praying that the show cause notices dated 25.06.2012 and the respective orders dated 29.06.2012 passed

by the Assistant Commissioner, D.B. Gupta Road, Anand Parbat, Karol Bagh Zone, North Delhi Municipal Corporation be set aside.

By the said impugned orders, the respondent corporation cancelled the Tehbazari rights in respect of the premises occupied by the petitioners. The principal contention advanced on behalf of the petitioners is that the show cause notice did not indicate the reasons on account of which the licenses have been cancelled. The show cause notices indicated that the Government of NCT of Delhi had decided to stop coal distribution under the Public Distribution Scheme and, therefore, the licence for the premises allotted for that purpose would also stand cancelled. The petitioners had responded to the show cause notices by explaining that none of the petitioners were engaged or involved in running coal depots from the premises in question. It is contended that the impugned orders proceeded on the basis that the terms of the licence granted in respect of the premises in question had been violated as khokhas allotted to the original allottees had been converted into pakka structures contrary to the terms of the licence. It is contended that the petitioner had no opportunity to advance their contentions in respect of the aforesaid allegation.

After some arguments, the learned counsel for the parties agree that with a view to shorten the controversy, the petitioners would be afforded an opportunity to be heard to respond to the reasons as indicated in the impugned order. The concerned officer shall examine their contentions and pass a fresh speaking order. In the first instance, the petitioners would appear before the concerned officer with all the relevant documents at 10:30 AM on 05.06.2015. The concerned officer shall pass a speaking order within a period of four weeks thereafter.

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The petitions and all pending applications are disposed of with the aforesaid directions.

Dasti.



VIBHU BAKHRU, J

MAY 07, 2015

pkv