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

+ W.P.(CRL) 88/2014

MOHD. ISLAM

..... Petitioner

Through: Mr M.Z.Chaudhary, Advocate.

versus

THE STATE GOVT OF NCT DELHI & OTHERS Respondents

Through: Mr Rahul Mehra, Standing Counsel
(Crl.).

Mr Rajendra Dutt, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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19.04.2016

Mr Chaudhary, learned counsel appearing on behalf of the petitioner states that they do not wish to file a rejoinder to the counter affidavit filed on behalf of the respondent No.2.

In a nutshell the present petition challenges the order dated 22.01.2013 passed by the SDM, Seemapuri, Shahdara, Delhi, modifying an earlier order dated 07.01.2013, affecting the rights of the petitioner, without issuing notice to him and without affording him an opportunity of being heard.

After hearing counsel for the parties it emerges that the initial order dated 22.01.2013 assailed in the present petition did modify an earlier order dated 07.01.2013 without issuing notice to the petitioner and without affording him an opportunity of being heard.

The said order dated 22.01.2013 is evidently and patently contrary to the principles of natural justice and the doctrine of *audi alteram partem*. The same can, consequently, not be sustained. All the orders subsequent upon the order dated 22.01.2013 including the order in Criminal Revision No.74/2013 dated 26.09.2013 thus cannot stand, since the initial order dated 22.01.2013 has merged into these subsequent

orders. Consequently, the order dated 22.01.2013 passed by the SDM, Seemapuri, Shahdara, Delhi as well as the order dated 26.09.2013 in Criminal Revision No.74/2013 are set aside. The matter is remitted back to the SDM, Seemapuri, Shahdara, Delhi, for further proceedings in accordance with law after hearing the parties afresh from the stage when the order dated 07.01.2013 was rendered. The writ petition is allowed to this extent and disposed of accordingly.

A copy of this order be sent to the SDM, Seemapuri, Shahdara, Delhi, for information and compliance.

SIDDHARTH MRIDUL, J

APRIL 19, 2016

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