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

+ LPA 127/2016 & C.M.No.7067/2016 (*stay*)

ASSOCIATION OF VISHWAS NAGAR

SMALL SCALE MFG & TRADERS (REGD) Appellant

Through: Mr.Dhruv Mehta, Sr.Adv. with
Mr.Amit Gupta, Mr.Anant A.Pavgi, Advs.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Devesh Singh, ASC for
Respondents No.1,2,5&7.

Mr.Arjun Pant, Adv. for R-3/DDA.

Mr.G.D.Mishra, Adv for R-4&6/EDMC.

Mr.Balendu Shekhar, Ms.Somya Rathore, Advs.
with Mr.Dinesh Jindle, Law Officer for DPCC.

Mr.Rajshekhar Rao, Adv. with Ms.Bhabna Das,
Mr.Varun Mishra, Advs. for R-10.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **02.03.2016**

1. Heard Sh.Dhruv Mehta, the learned Senior Counsel appearing for the appellant and perused the material available on record.
2. The present appeal is directed against an interim order passed by the learned Single Judge in W.P.(C) 1057/2016. The said writ petition has been filed by the respondent No.10 herein to quash the order dated 30.09.2015 passed by the Govt. of NCT of Delhi directing resurvey of Vishwas Nagar Industrial Clusters and complete the same within two months.
3. The appellant herein was not initially made a party to the writ petition. However, the appellant itself got impleaded as a party respondent

(on the oral prayer made by the counsel) by order dated 09.02.2016 on which date, the learned Single Judge had also stayed the order impugned in the writ petition i.e. order dated 30.09.2015 passed by GNCTD directing resurvey.

4. The said order dated 09.02.2016 is assailed in this appeal on the ground that no opportunity was afforded to the appellant to file a reply and to oppose grant of stay. Various other contentions have also been raised on merits of the case.

5. Having regard to the admitted fact that there was no occasion for the learned Single to consider any one of the contentions raised before us and more particularly the order under appeal is only an interim order, we are of the view that the appellant ought to have moved an appropriate application in the writ petition itself for vacating the interim order of stay. It is neither necessary nor proper for us to entertain an appeal under Letters Patent at this stage.

6. We, therefore, decline to enter into the merits of the case and accordingly the appeal is disposed of granting liberty to the appellant to move an appropriate application before the learned Single Judge for modification or variation of the order under appeal. It is also open to the appellant to seek advancement of the date fixed in the writ petition.

7. Appeal is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MARCH 02, 2016/‘anb’