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

+ W.P.(C) 11199/2016

SUNITA KHANNA

..... Petitioner

Through Mr.Tarun Sharma, Advocate along
with Mr. Rajesh Khanna, GPA of the
petitioner.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Mr.Manoj Kumar Sharma, Advocate
for R-1.
Mr.Devendra Dedha, Advocate for
GNCTD/R-2.
Mr.Sujit Kr. Singh, Advocate for Tata
Power Distribution Ltd./R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 25.11.2016

C.M. Nos.43784-85/2016

Exemption is allowed subject to just exceptions. Applications
disposed of.

W.P.(C) 11199/2016 & C.M. No.43783/2016

Petitioner before this Court is one Sunita Khanna. She is
aggrieved by the fact that Om Prakash (since deceased and
represented through his legal representatives- respondent nos.4 to 6)
is running an illegal dhaba without a health licence at three properties
i.e. at the property bearing nos.8387, 8395 and 8396, Roshanara
Road, Delhi.

Learned counsel appearing for respondent no.1/North DMC has
put in appearance. His submission is that this issue is already the

subject matter of adjudication in CM(M) 201/2015 and C.M.No.4450/2015 in which interim order is operating in favour of Om Prakash (now deceased) and the next date fixed in the said CM(M) is 21.02.2017. This interim order is continuing. Learned counsel for petitioner submits that the order passed on 12.02.2016 in CM(M) supra has been answered by an speaking order passed by the Competent Authority on 25.4.2016 and the health trade licence which had been sought for by Om Prakash for running the aforementioned dhaba has been rejected.

Be that as it may, noting the submission of the respondent which is not disputed by the petitioner that since CM(M) 201/2015 is now pending before the concerned Roster Bench and is fixed for 21.02.2017 in which the interim order is operating in favour of Om Prakash and the rejection communication dated 24.5.2016 having yet to be brought on record of that Court, this Court is of the view that no order can be predicated on this petition. This Court is also of the view that the issue in question is being dealt with by the concerned Roster Bench in the CM(M) 201/2015, this petition is not maintainable; it is dismissed.

At this stage, learned counsel for petitioner submits that he is not a party in that CM(M). He is permitted to move an appropriate application, if he desires to do so in that case.

INDERMEET KAUR, J

NOVEMBER 25, 2016/ndn