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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9158/2015
PAARDARSHITA PUBLIC WELFARE FOUNDATION
(NGO) Petitioner

Through: Mr. Karkrishan Das Nijhawan,
Petitioner in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND
ORS. Respondents
Through: Mr. Sanjay Poddar, Sr. Adv. with Mr.
Mukesh Gupta, Adv. for R-1.
Mr. Anuj Aggarwal, ASC with Mr.
Shubhanshu Gupta, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **14.03.2016**

Present writ petition has been filed by the petitioner through its General Secretary-Harkrishan Das Nijhawan. Petitioner claims to be a society registered under The Societies Registration Act, 1860 and a NGO.

By this writ petition, it is prayed that property no. C-4, Green Park Extension, New Delhi, be re-sealed as Maruti Suzuki Nexa Showroom is being run from the non notified area; action be taken against the senior officials of respondent no.1 as illegal activities are taking place in connivance with the officials of respondent no.1 and that respondent no.2 be directed to investigate the illegal acts of officials of respondent no.1.

It may be noted that when the matter was taken up on 23rd September, 2015 name of respondent no.2 has been deleted from the array of parties on the oral request made by the General Secretary of the petitioner. Thus, prayer (d), regarding investigation by the respondent no.2 has become infructuous.

As regards prayer (a) is concerned, it may be noted that the Junior Engineer, without following the due procedure as established under the law had sealed the premises. Only a show cause notice was issued to which reply was filed, inasmuch as, conversion charges were also paid by the noticee. However, without passing the sealing order, the Junior Engineer on his own sealed the property in question on 18th August, 2015. Since the property was sealed without following the due procedure as established under the law, the Deputy Commissioner vide order dated 15th September, 2015 ordered for de-sealing of the premises, however, it was ordered that further action against the owner/occupier be taken in accordance with law after giving an opportunity of personal hearing to the owner/occupier. It also emerges from the counter affidavit of respondent no.1, that matter was fixed for personal hearing on 30th September, 2015, when the occupier of C-4, Green Park Extension, New Delhi appeared and stated that Maruti

show room was already closed. He has also tendered his affidavit to this fact. Since the misuse was stopped, sealing action was not taken any further.

Present writ petition has been filed on 21st September, 2015 even without verifying the aforesaid position. Be that as it may, no further orders are required to be passed in this writ petition since show room has already been closed by the occupier.

Writ petition is disposed of.

A.K. PATHAK, J.

MARCH 14, 2016

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