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

+ W.P.(C) 77/2011

R K RAINA & ORS

..... Petitioners

Through Mr. B.S. Arora and Mr. Tausif Alam,
Advocates

versus

MCD & ORS

..... Respondent

Through Ms. Biji Rajesh and Mr. Amresh Anand,
Advocates for Mr. Gaurang Kanth,
Advocate for the MCD along with
Mr. Kuldeep Mehndiratta, Asstt.
Commissioner, South Zone, SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

O R D E R

% **09.01.2017**

CM.APPL 32495/2016(restoration)

This is an application seeking restoration of the writ petition which was dismissed for non-appearance on 04.08.2016.

Notice was issued in the matter. No reply has been filed.

Learned counsel for the petitioners submits that he could not appear on 04.08.2016 as he was suffering from fever; he had instructed a colleague who unfortunately did not appear. He further submits that on almost all previous dates of hearing, he has been appearing in the matter.

Heard. For the reasons stated in the application, the application is allowed. The writ petition is restored to its original number and file. The interim order dated 07.01.2011 is also restored.

Application stands disposed of.

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With the consent of the parties, the writ petition is set down for final hearing and disposal.

The petitioners have filed the present writ petition under Article 226 of

the Constitution of India seeking a writ of *certiorari* or any appropriate writ in the nature *inter alia* directing the respondents to quash the illegal and arbitrary notice dated 20.12.2010.

The petitioners claim to be Kashmiri immigrants and they were allotted Tehbazari sites at Kashmiri Market, Vivekanand Market, Sector-1, R.K. Puram, New Delhi. The petitioners are aggrieved by the show cause notices dated 23.09.2010 and 20.12.2010.

After some hearing in the matter, the learned counsel for the respondents, on instructions, submits that she has instructions to withdraw both the show cause notices issued to the petitioners. Ms.Biji Rajesh submits that a fresh inspection will be carried out and in case of any violation, a fresh show cause notice would be issued to the petitioners. She submits that till fresh inspection is carried out, no coercive action shall be taken against the petitioners. Based on the statement made by the counsel for the MCD, the learned counsel for the petitioners submits that nothing further survives in the writ petition. The writ petition is disposed of in terms of the statement made by the learned counsel for the MCD. MCD shall remain bound by the statement so made by the counsel for the MCD.

Copy of the order be given Dasti to both the parties.

G.S.SISTANI, J

VINOD GOEL, J

JANUARY 09, 2017

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