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

+ W.P.(C) 654/2017

TUMBLE HOUSE ENTERTAINMENT (LLP) AND ANR.

..... Petitioners

Through Ms.Nandini Sahni, Advocate.

Versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Mr.Mukesh Gupta, Standing Counsel
for the SDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **23.01.2017**

C.M. No.3055/2017

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

W.P.(C) 654/2017 & C.M. No.3054/2017 (stay)

Petitioners are aggrieved by a notice/communication dated 18.01.2017 issued by the respondent/SDMC which is a notice under Section 345A of the DMC Act. This notice communicate to the petitioners that since the user of the premises (E-20, Lower Ground Floor, Defence Colony, New Delhi) is against MPD-2021, the

petitioners had been directed to bring it within permissible area as per the MPD-2021 within 48 hours to file an affidavit in the prescribed format failing which the premises would be sealed without any further notice to the petitioners. Petitioners are aggrieved. Submission of the counsel appearing for petitioners is that their property is already within the permissible limit and as such this notice is in contradiction to the averments which have been sought to be made by the petitioner. Moreover, the petitioners have not been given any hearing in the matter.

On advance notice learned counsel for respondent/SDMC has put in appearance. His submission is that this petition is premature. A sealing order is challengeable under Section 347 B of the DMC Act before the ATMCD; this petition is not maintainable.

Noting the respective contentions of the parties as also the additional submission made by learned counsel for petitioner that against this notice dated 18.01.2017 a representation has been made to the Department today itself i.e. 23.01.2017. It is ordered that no coercive action be taken against the property of the petitioners till the representation of the petitioners has been answered in accordance with law.

At this stage, it is stated that the representation dated 23.01.2017 was filed in haste, learned counsel for petitioners seeks permission of this Court to file an additional representation along with documents within two days; the same shall be considered along with earlier representation dated 23.01.2017 both the representations shall be answered in accordance with law within an outer limit of 7 days.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JANUARY 23, 2017

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