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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3736/2014**

PREM LATA SHARMA

..... Petitioner

Through Ms Madhumita Bhattacharjee,
Advocate.

versus

D.S.I.I. D.C. & ORS

..... Respondents

Through Mrs Renuka Arora and Ms Nikita
Salwan, Advocates for R1.
Mr R.K. Raghav, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 24.08.2017

1. The petitioner, who is a lady of an advanced age, has filed the present petition, *inter alia*, praying that appropriate directions be issued to respondent no.1 to ensure that respondent no.2 stops the non-conforming activities in the premises bearing no. 9538, Tokri Walan, Gali Mata Wali, Library Road, Azad Market, Delhi (hereafter 'the premises').
2. The petitioner states that the premises were taken on rent by the respondent no.2 way back on 01.12.1974. It is alleged that the respondent no.2 was carrying on non-conforming activities, which were subsequently proscribed. In order to relocate the non-conforming industry, respondent no. 1 (DSIIDC) also allotted an Industrial plot at Bawana to respondent no.2. It is stated that respondent no.2 also took the possession of the same in the year 2005. The petitioner alleges that despite being allotted an alternative

industrial plot, respondent no.2 has been carrying on non-conforming activities in the premises. The petitioner is the owner of the premises in question and has also instituted an eviction proceeding against respondent no.2.

3. The present petition was moved on 29.05.2014 and on that date directions were issued to North Delhi Municipal Corporation (respondent no.3) as well as DSIIDC to visit the premises in question and file a report as to whether respondent no.2 was using the premises in question for non-conforming activity. In compliance with the said directions, a report was submitted by the respondent no.3 stating that respondent no.2 had stopped non-conforming activity. DSIIDC also filed an inspection report stating that the premises was found locked. This was communicated to this Court on 13.07.2015 and the learned counsel for the petitioner had sought time to verify whether the above statement was correct.

4. The petitioner has also filed an affidavit, *inter alia*, stating that the petitioner is not in a position to state anything in this regard as during most of the day, the premises are found locked.

5. In view of the above, there is no material on record which would establish that respondent no.2 is continuing to use the premises for non-conforming activity and the statement that such activity has been discontinued, must be accepted.

6. In view of the above, the present petition is disposed of by directing respondent no.3 to make periodic checks to ensure that no non-conforming activity is carried out at the premises. The petitioner would also be at liberty

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to approach respondent no.3, in the event the petitioner is able to find any material indicating that any non-confirming activity is being carried out in the premises in question.

7. The petition is disposed of with the above directions.



VIBHU BAKHRU, J

AUGUST 24, 2017

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