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

+ W.P.(C) 3219/2017 & C.M.Nos.14010-14011/2017, 14052/2017

**BABS NORONHA MEMORIAL EDUCATION AND SOCIAL
WELFARE SOCIETY**

..... Petitioner

Through Mr.Akhil Sibal, Senior Advocate with
Mr.Mohit Sharma and Ms.Tanvi
Misra, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through Mr.Sanjeev Sabharwal, standing
counsel for DDA with Mr.Kishan
Singh, Asstt. Section Officer, IL
Branch, DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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20.04.2017

Present writ petition has been filed challenging the show cause notice dated 08th February, 2017 and order dated 16th March, 2017 passed by the Deputy Director (IL), DDA whereby respondent has refused to restore the lease.

Learned senior counsel for the petitioner states that only on the basis of allegations contained in the show cause notice, the impugned order had been passed. He contends that neither the complaints on the basis of which show cause notice had been issued were furnished to the petitioner nor any hearing was given.

A perusal of the show cause notice and the impugned order reveals that the petitioner's plea for restoration of the lease deed was

rejected 'at this stage' only on the ground that the reply had not been filed by the petitioner within the stipulated time.

Since this Court finds that nine hundred fifty students are studying in the present school, it is of the view that the impugned order has serious consequences not only upon the petitioner but also the students and the teachers who are teaching in the said school. This Court also finds merit in the submission of learned senior counsel for the petitioner that principles of natural justice have been violated in the present case.

Consequently, without expressing any opinion on the merits of the controversy, the impugned order dated 16th March, 2017 is set aside and the respondent-DDA is directed to supply copies of the complaints on the basis of which show cause notice dated 08th February, 2017 had been issued to the petitioner. The petitioner is directed to appear before the Director (IL) DDA and inspect the records on 02nd May, 2017 at 11.00 AM.

This Court further directs that an opportunity of hearing shall be given to the petitioner by the authority which decides the petitioner's application for restoration of the lease. At this stage, Mr. Sanjeev Sabharwal, learned standing counsel for DDA states that petitioner's request for restoration of the lease would be decided by the Commissioner (Land Disposal), DDA.

Accordingly, this Court directs the Commissioner (Land Disposal), DDA to decide the show cause notice dated 08th February, 2017 within twelve weeks after affording an opportunity of hearing to the petitioner by way of a reasoned order.

With the aforesaid directions, present writ petition stands disposed of.

Order *dasti*.

MANMOHAN, J

APRIL 20, 2017

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