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

+ W.P.(C) 8747/2017 and CM No. 35842/2017

SH. DEEVENDER DUTT SHARMA AND ORS. Petitioners
Through Mr. Prakash Khandelwal, Adv.

versus

UNION OF INDIA AND ANR. Respondents
Through Mr. Sanjeev Uniyal, Adv. for R-1.
Mr. G.D. Mishra, Adv. for R-2 with
Mr. Sanjay Kumar, Ex. Engineer,
Shahdara, North Zone, EDMC.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **27.09.2017**

The petitioners have approached this Court seeking a writ of prohibition restraining the respondent from collecting conversion charges, development of parking charge etc.

It is the case of the petitioners that the area of their shops is less than 20 mtrs. and under the prevalent policy, they are not liable to pay such charges. Mr. Mishra, ld. counsel for the respondent-EDMC, on instructions, submits that the shops of the petitioners are on notified road and they do not attract any exemption from payment of charges to be recovered, failing which, coercive action inter alia sealing of the shops can be taken by the respondent-EDMC.

It is strenuously contended on behalf of the petitioners that no opportunity of hearing has come to be given to them and the

representation made by the association of the market on 4.8.2017, a copy whereof, finds placed as Annexure P-4 to the instant petition, has not been disposed off, as yet. Mr. Mirsha, Id. counsel for the respondent-EDMC, on instructions, submits that the instant petition itself can be treated as a representation and disposed off in a time bound manner.

Without prejudice to the rights and contentions of the respective parties, it is directed that the instant writ petition shall be treated as a representation of the petitioners and shall be decided by the competent authority by a speaking order, within three weeks from today, having afforded an opportunity of hearing to the petitioners or their representatives. First of such hearing shall be held by the competent authority, which according to Mr. Mishra, Id. counsel for the respondent-EDMC, is Dy. Commissioner, Shahdara North Zone, on 4th October, 2017 at 3.30 p.m. It shall be the prerogative of the competent authority to fix any date for further hearing, as may be required. Till the time the competent authority disposes off the representation of the petitioners by a speaking order, to be conveyed to the petitioners immediately thereafter, no coercive steps shall be taken against the petitioners. Petition and the pending applications stand disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

SEPTEMBER 27, 2017