

\$~30

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

%

**Date of Decision: 10<sup>th</sup> October, 2017**

+ W.P.(C) 8904/2017

RELIANCE INDUSTRIES LTD. & ANR ..... Petitioners  
Through Mr. Dil Jit Singh Ahluwalia,  
Mr. Anubhav Mehrotra, Mr. Vishrut  
Raj, Advocates.

versus

THE ESTATE OFFICER & ORS ..... Respondents  
Through Mr. Y. Handu, Mr. Harsha Peechara,  
Mr. Mananjay Mishra, Advocates for  
respondent no.2/NDMC along with  
Mr. Y.V.V.J. Rajasekhar, Director-  
Estate, NDMC.  
Mr. Shiv Sapra, Advocate for  
respondent no.3

**CORAM:**  
**HON'BLE MR. JUSTICE J.R. MIDHA**

**JUDGMENT (ORAL)**

1. The petitioners challenged the letter dated 18<sup>th</sup> July, 2017 issued by the Estate Officer, New Delhi Municipal Council to M/s. C.J. International Hotels Ltd. whereby the Estate Officer has fixed the case under Sections 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for hearing on 26<sup>th</sup> July, 2017. The petitioner is seeking setting aside of the letter dated 18<sup>th</sup> July 2017 in this writ petition. Similar prayer has been made in the stay application. Learned counsel for the petitioners has handed over the brief note of submissions.

2. The prayer made in the writ petition is reproduced hereunder:

*“(a) Pass a writ, or order/direction in the nature of certiorari, setting aside the impugned letter Case No.02/17/EO dated 18.07.17 commencing the eviction proceedings u/s 5 & 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, issued by Respondent no.1 in violation to principles of natural justice embodied in S.4 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971;”*

3. The letter dated 18<sup>th</sup> July, 2017 challenged by the petitioners is reproduced hereunder:

*“OFFICE OF THE ESTATE OFFICER  
NEW DELHI MUNICIPAL COUNCIL  
ROOM NO.7014, 7<sup>TH</sup> FLOOR,  
PALIKA KENDRA: NEW DELHI*

*Case No.02/17/EO regarding eviction and recovery under sections 5 & 7 of the Public Premises in respect of M/s C.J. International Hotels Ltd., 1- Windsor Place, Janpath, New Delhi 110001*

**NOTICE FOR HEARING**

*To,*

*M/s C.J. International Hotels Ltd.,  
Windsor Place, Janpath,  
New Delhi 110001.*

*Through : Managing Director*

*With reference to the case pending against you under Section 5 & 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I have fixed 26.07.2017 at 04.00 P.M. for personal hearing in my above mentioned office, if you want to lead any evidence in defence and argue anything, you are requested to appear in person or*

*through a duly authorized representative capable to answer all material questions connected with the matter on the date and time specified above.*

*In case you fail to appear on the date and time specified the case will be decided ex-parte.*

*Sd/-/18.7.17  
(R.P. Gupta)  
Estate Officer*

*Date: 18.07.2017*

*Copy to:- Petitioner through Dir.(Estate-1) for deputing the responsible officer on the above mentioned date and time with relevant records."*

4. The letter dated 18<sup>th</sup> July, 2017 has intimated the date of hearing of 26<sup>th</sup> July, 2017 to M/s. C.J. International Hotels Ltd. who attended the hearing and is contesting the proceedings before the Estate Officer. The next date of hearing fixed in the matter is 24<sup>th</sup> October, 2017.
5. This Court is of the view that the petitioners have no locus to challenge the letter dated 18<sup>th</sup> July, 2017 issued by Estate Officer, New Delhi Municipal Council to M/s. C.J. International Hotels Ltd. and therefore, this writ petition is not maintainable.
6. Learned counsel for the petitioners submits that the petitioners cannot be evicted without a mandatory show cause notice under Section 4 of the Public Premises (Eviction of the Unauthorized Occupants) Act, 1971 which has not been issued to the petitioners till date. The petitioners' grievance with respect to Section 4 of the Public Premises (Eviction of the Unauthorized Occupants) Act, 1971 is subject matter of W.P.(C) 8056/2017 in which the petitioners have sought a mandamus for directing New Delhi Municipal Council not to take any coercive measures against the petitioners

without following due process of law. Prayer (c) of the W.P.(C) 8056/2017 is reproduced hereunder:

*“(c) Pass a writ of mandamus directing respondent 1 not to take any coercive measures against the premises of the petitioner without following the mandate of law.”*

7. This Court is of the view that this writ petition is gross abuse and misuse of the process of law as the petitioners want to stall the eviction proceedings initiated by New Delhi Municipal Council against M/s. C.J. International Hotels Ltd. who are contesting the eviction proceedings before the Estate Officer. This writ petition appears to be a proxy litigation which is clear from the letter dated 21<sup>st</sup> September, 2017 (Annexure A-13) in pursuance to which petitioner No.2 association has been formed to make a collective effort to put a united front against NDMC. Annexure A-13 is reproduced hereunder:-

*“Le MERIDIEN CJ INTERNATIONAL HOTELS LIMITED  
WITHOUT PREJUDICE*

*21<sup>st</sup> September 2017*

*Mr. Rajan Kapoor,  
Office No.909,  
Le Meridien Commercial Tower,  
New Delhi – 110 001.*

*Subject: Permission to form association on behalf of sub-licensees of the Offices located in the Commercial Tower.*

*Reference: Your letter number NIL dated 21.09.2017.*

*Dear Sir,*

*This has reference to your request letter on behalf of sub-licensees of the offices located in the Commercial Tower seeking Company's permission to form an association to inter alia protect legal interest's vis-à-vis Commercial Tower of Hotel Le*

*Meridien. The Management, CJ International Hotels Ltd. (the licensee) have considered your request and understands that the extraordinary circumstances necessitates collective efforts under one umbrella, which is the need of the Hour to counter the unreasonable and draconian actions of NDMC.*

*We therefore, without prejudice to our rights and contentions, do hereby permit you to form an association by the name of West Tower Association with the aim and objective of synergizing your energies to put up a united front against the NDMC to fight for your valuable rights.*

*We wish you all success.*

*Thank you,*

*Sincerely,*

*For CJ INTERNATIONAL HOTELS LTD.”*

***(Emphasis Supplied)***

8. The writ petition is dismissed with cost of Rs.1 lakh to be deposited by the petitioner with the Delhi High Court Legal Services Committee within a period of 10 days from today.
9. List for reporting the deposit of the cost before the Registrar on 27<sup>th</sup> October, 2017.
10. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

**OCTOBER 10, 2017**

dk

**J.R. MIDHA, J.**