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

+ W.P.(C) 152/2018 & CM APPL 637/2018

SHAILENDER SINGH (HUF) Petitioner
Through : Mr Rakesh Kumar, Adv.

versus

SUB DIVISIONAL MAGISTRATE (HAUZ KHAS)
AND ANR. Respondents
Through : Mr B. Mahaptra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.01.2018**

1. Petitioner has filed the present petition impugning the order dated 23.09.2017 passed by respondent No.1 sealing part of the premises being the first floor of property No. 26 Hauz Khas Village, New Delhi (hereafter 'the premises in question').

2. It is stated that the aforesaid order was passed pursuant to the order passed by respondent No. 2 (Delhi Pollution Control Committee - hereafter 'DPCC'). Admittedly, the said order was passed as DPCC had found certain violations of the anti-pollution laws in respect of the eating house/restaurant that was being operated from the premises in question.

3. The petitioner states that at the material time, the premises in question were let out and a eating house under the name and style of 'Chaayos' was being operated by the petitioner's tenants. The said

eating house was subsequently closed and the tenants have vacated the premises in question after terminating the lease in their favour. It is the petitioner's case that the premises in question was lying vacant from 30.08.2017.

4. Learned counsel for the DPCC states that in view of the unequivocal statement that no eating house/restaurant is being operated from the premises in question and that the petitioner is only the landlord of the premises in question and was not engaged in carrying on of the business (which was being run by the tenant), DPCC would not have any objection for de-sealing the said premises.

5. In view of the above, the impugned order is set aside and respondent No.1 is directed to de-seal the premises in question. However, it is clarified that the petitioner shall ensure that no eating house or restaurant would operate from the said premises without due consent to establish or operate from DPCC.

6. It will be open for the petitioner to approach the concerned utilities for re-connecting the supply of utilities - electricity and water connection.

7. The petition along with the application is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JANUARY 08, 2018

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