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

+ **W.P.(C) 281/2018**

IKRAR AHMED

..... Petitioner

Through: **Ms. Roopa Nagpal, Adv.**

versus

EAST DELHI MUNICIPAL CORPORATION Respondent

Through: **Mr. Gaurang Kanth, Ms. Biji Rajesh
and Mr. Rachit Mehrotra, Advs.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 12.01.2018

CM. Nos. 1149/2018 and 1150/2018 (for exemptions)

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 281/2018

Present petition has been filed by the petitioner challenging the sealing order dated December 30, 2017. It is the submission of the learned counsel for the petitioner that the show cause notice dated December 27, 2017 was received by the petitioner only on December 29, 2017 at 17:35 Hrs. In other words, the sealing order has been passed without giving a reasonable opportunity to the petitioner.

Mr. Gaurang Kanth, learned counsel who appears for respondent / EDMC on advance notice states, this matter be remanded back directing the respondent / authority to give a hearing to the petitioner and after hearing an

appropriate order be passed. In other words, it is his submission if the authority agrees with the submissions made by the petitioner, it may revoke the order dated December 30, 2017.

Noting the submission made by Mr. Kanth as reasonable, I remand the matter back to the Deputy Commissioner (EDMC), Shahdara, South Zone who shall give a hearing to the petitioner, on January 16, 2018 at 2.30 PM. The petitioner shall be at liberty to produce such evidence as is available with him in support of his case.

It is expected that the officer shall pass order on hearing the petitioner within two days thereafter. If aggrieved the petitioner shall be at liberty to challenge the same in accordance with law.

Accordingly, the petition is disposed of.

CM. No. 1148/2018

In view of the order passed in the writ petition, the application has become infructuous and disposed of as such.

A copy of this order be given dasti under the Signatures of the Court Master.

V. KAMESWAR RAO, J

JANUARY 12, 2018/jg