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

+ **W.P.(C) 1704/2018**

DEEPAK KALRA

..... Petitioner

Through: **Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advs.**

versus

DELHI DEVELOPMENT AUTHORITY

& ORS

..... Respondents

Through: **Mr. Sanjeev Sabharwal, Standing
Counsel with Mr. Hem Kumar and
Ms. Simmee Kumari, Advs. for DDA
with Mr. M.L. Sharma, Asst Director,
OSB/DDA and Mr. Kishan Lal, ASO,
OSB/DDA.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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23.02.2018

The present writ petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances, it is, therefore, most respectfully prayed that this Hon’ble Court may be gracious enough to:-

- (a) *issue a writ, order and / or direction in the nature of Mandamus and / or any other appropriate writ, order and / or direction in the like nature in favour of the petitioner and against the respondents thereby directing the respondents No.1 & 2 to de-seal the first floor and third floors of the property bearing No.15A/20, W.E.A. Karol Bagh, New Delhi, comprising of one hall on the first floor and the entire third floor, to enable the petitioner to run the business therein in conformity with the rules and regulations of the respondents and / or in the alternative the respondents No.1 & 2 be directed to de-seal the said*

one room on the first floor and the entire third floor of the property bearing No.15A/20, W.E.A. Karol Bagh, New Delhi, to enable the petitioner to remove the goods lying in the said property, to avoid further damage to the said goods which are perishable in nature, in the interest of justice;

- (b) *issue any other appropriate writ, order and / or direction in the like nature which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the petitioner and against the respondents;*

Such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioner and against the respondents to meet the end of justice."

At the outset, Mr. Rajat Aneja has limited the writ petition to the alternative prayer, i.e. the respondents No.1 & 2 be directed to de-seal the said one room on the first floor and the entire third floor of the property bearing No.15A/20, W.E.A. Karol Bagh, New Delhi, to enable the petitioner remove the goods lying in the said property, to avoid further damage to the said goods which are perishable in nature. Mr. Aneja relies upon a similar order passed by this Court in Writ Petition (Civil) No. 938/2018 dated February 2, 2018 read with order dated February 12, 2018.

Mr. Sabharwal, learned counsel for the DDA states, the alternative remedy for the petitioner is before the ATMCD.

Having noted the submissions made by the counsel for the petitioner and the DDA, this Court is of the view that the alternative prayer pressed by Mr. Aneja is covered by the order already passed by this Court in W.P.(C) 938/2018. Accordingly, I deem it appropriate to direct the respondent nos. 1 and 2 to de-seal the first floor and third floor of the

property bearing No.15A/20, W.E.A. Karol Bagh, New Delhi comprising of one hall on the first floor and the entire third floor to enable the petitioner to remove the goods / articles / machinery lying there on February 27, 2018 at 12 noon and seal the same again on March 6, 2018 at 12 noon.

In view of above, the petition is disposed of.

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

CM No. 7043/2018 (for stay)

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

V. KAMESWAR RAO, J

FEBRUARY 23, 2018/jg