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

+ **W.P.(C) 1804/2018**

SAI SAHARA, OLD AGE HOME

..... Petitioner

Through: Mr. Bahar U. Barqi and Mr. Vikram
Kumar, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Ajay Aroraa and Mr. Kapil Dutta,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.02.2018

CM No. 7412/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1804/2018

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

“It is, therefore, prayed that:

- (a) Pass appropriate directions especially in the nature of Certiorari quashing the Closure Notice dated 16.02.2018 issued by the Respondent;*
- (b) Pass appropriate directions particularly in the nature of prohibition / mandamus prohibiting / directing the Respondents not to interfere in the peaceful running of the old age home of the petitioner;*
- (c) Pass such other appropriate order (s).*

Mr. Ajjay Aroraa, learned counsel appearing for the NDMC states, in the W.P.(C) 8217/2017, to which a reference has been made in the impugned closure notice dated February 16, 2018, an order has been passed by the Division Bench of this Court on February 21, 2018, wherein paras 7, 8 and 9, it has been held as under:

“7. The Court is of the view that the closure notices issued by the North DMC should be treated as show-cause notices to these Applicants. The four Applicants should be given seven days time to respond to such closure notices/ SCN. In the meanwhile, if there are any further violations by these de-addiction centres, it should be brought to their notice by supplementary notices to be issued by the concerned DMCs to them, not later than two days from today.

8. The Applicants will be given a hearing and a reasoned order will thereafter be passed. In the event that the Applicants are aggrieved by such order, it will be open to them to institute appropriate proceedings in accordance with law without having to seek impleadment in this writ petition. The Court which will hear the challenge will consider it independently of the directions issued in the present petition.

9. Learned counsel appearing for North DMC states that as many as 79 such closure notices have been issued to various de-addiction centres operating without proper authorisation. This order will equally apply to such noticees as well.”

He also states that action with regard to the petitioner shall be taken by the respondent in terms of paras 7, 8 and 9.

Noting the statement made by Mr. Ajjay Aroraa, the writ petition is disposed of directing the respondent to take action in accordance with paras 7, 8 and 9 of the order dated February 21, 2018 in W.P.(C) No. 8217/2017.

In view of this order, the closure notice/SCN cannot be given effect to.

Mr. Bahar U. Barqi, learned counsel for the petitioner states, the aforesaid shall satisfy the grievance of the petitioner at present.

The writ petition is disposed of.

CM No. 7411/2018 (stay)

In view of the order in the writ petition, this application has become infructuous.

Dasti.

V. KAMESWAR RAO, J

FEBRUARY 26, 2018/jg