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

+ **W.P.(C) 2086/2018**

**M/S. SAFE HOUSE WELLNESS RETREAT
PVT. LTD.**

..... Petitioner

Through: Mr. Sameer jain, Mr. Angad Sandhu
Ms. Jayashree Parihar and Ms. Anu
Sura, Advs.

versus

**SOUTH DELHI MUNICIPAL CORPORATION
AND ORS.**

..... Respondents

Through: Mr. Rajeshwar Dagar and
Mr. Swastik Singh, Advs. for R1.
Ms. Heetu Arora Sethi, ASC for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.03.2018

This petition has been listed vide supplementary list circulated in the post lunch session on a mentioning made before Hon'ble the Acting Chief Justice.

CM. No. 8669/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2086/2018

This petition has been filed by the petitioner with the following prayers:

“a. *Set-aside and declare that Impugned Notices no(s)
DHO/SZ/2018/D2717 and DHO/SZ/2018/D2718 dated*

03.03.2018 issued by the respondent no.1, as being violative of the fundamental rights of the petitioner and as well as being contrary to the various orders passed by this Hon'ble High Court;

- b. Direct the Respondent no.2 to formulate guidelines in relation to the licencing / registration of de-addiction / rehabilitation centres and to provide an opportunity to the petitioner to apply for the same;*
- c. Direct the Respondent no.3 to make rules under the Mental Healthcare Act, 2017 so as to enable the petitioner to obtain registration under the Act; and*
- d. Pass such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."*

Learned counsel appearing for the respondent no.1 / SDMC has drawn my attention to the order passed by the Division Bench of this court on February 21, 2018 in a writ petition being W.P.(C) 8127/2017, *Nikhil Borwankar v. State of NCT of Delhi & Anr.* wherein in Para 7, 8 and 9 this court 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 notices as well.”

Learned counsel further states, this writ petition be disposed of in terms of the said directions. He also states, respondent shall also consider the case of the petitioner on the same lines as was directed in Paras 7, 8 and 9 inasmuch as the closure notice shall be considered as a show-cause notice and the petitioner shall be at liberty to respond to the closure notice / show-cause notice. He also states, pending consideration of the reply to be filed, the petitioner must undertake that it shall not admit fresh inmates. The submission as made by the Id. Counsel for the respondent No.1 is agreeable to the learned counsel for the petitioner. He also undertakes, pending decision by the SDMC, no inmate shall be admitted. He also states, if the order to be passed is to the prejudice of the petitioner, the order be not given effect to for a week thereafter to enable the petitioner, take recourse to such remedy as available in law.

Accordingly, the writ petition is disposed of by directing as under:

1. Closure notice dated March 3, 2018 issued by respondent no.1 shall be treated as show-cause notice to the petitioner.
2. Petitioner shall have 10 days to respond to the same. In the

meanwhile, if there are any further violation by the petitioner, it should be brought to the notice of the petitioner by a supplementary notice to be issued by respondent no.1 not later than two days from today. Petitioners will be given a hearing and a reasoned order will be passed thereafter. In the event, the petitioner is aggrieved by such order, it would be open to the petitioner to seek such remedy as available in law. The order to be passed by the SDMC / respondent no.1 shall not be given effect to for a period of one week thereafter.

8670/2018 (for stay)

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

MARCH 06, 2018/jg