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

+ W.P.(C) 2249/2018, CM Nos. 9294/2018 & 9295/2018

RAMA SOCIAL WELFARE SOCIETY AND ORS. Petitioners

Through: Mr. C.K. Sharma and
Mr. Rakesh Sharma, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Mr. Rajeshwar Dagar, Standing
Counsel for R1

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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09.03.2018

The present petition has been listed pursuant to a mentioning made by the learned counsel for the petitioners before Hon'ble the Acting Chief Justice vide supplementary list circulated in the post lunch session.

CM No. 9295/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2249/2018

The present petition has been filed with the following prayers:

"It is therefore, most humbly and respectfully prayed that this Hon'ble Court may be pleased to:

- i. Issue appropriate Writ, Order or Direction, thereby declaring the impugned Closure Notice dated 03.03.2018 issued by the Respondent No.1 to all the petitioners as*

null and void;

- ii. *Issue an appropriate Writ, Order or Direction to the respondents to clarify and specify as to which type of licenses are required to run De-addiction / Rehabilitation Centres in Delhi and to further formulate a proper licensing policy in respect of the same wherein opportunity should be given to the petitioners to apply after fulfilling the requisite conditions as are applicable to non-profit organizations;*
- iii. *Issue appropriate Writ, Orders or Direction to Respondent No.1 thereby restraining it from initiating any adverse action against the Petitioners including but not limited to any sealing action in respect of the premises from where the Petitioners are running their Centres;*
- iv. *Issue, any other Writ, Order, Direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

Learned counsel for the respondent No.1 has drawn my attention to order dated February 21, 2018 passed by the Division Bench in W.P. (C) 8217/2017 in the case of ***Nikhil Borwankar vs. State of N.C.T. of Delhi and ors.***, wherein paras 7, 8 and 9 this Court has 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 No.1 shall also consider the case of the petitioners 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 petitioners 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 petitioners must undertake that they shall not admit fresh inmates. The submissions as made by the ld. Counsel for the respondent No.1 is agreeable to the learned counsel for the petitioners. 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 petitioners, the order be not given effect to for a week thereafter to enable the petitioners, 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 petitioners.
2. Petitioners shall have 10 days to respond to the same. In the meanwhile, if there are any further violation by the petitioners, it should be brought to the notice of the petitioners by a supplementary notice to be issued by respondent no.1 on or before March 13, 2018. Petitioners will be given a hearing and a reasoned order will be passed thereafter. In the event, the petitioners are aggrieved by such order, it would be open to the petitioners 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.

CM No. 9294/2018

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

MARCH 09, 2018/aky