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

+ W.P.(C) 4148/2018 & CM Nos.16303/2018, 16304/2018

SMT SATVIRI SHARMA & ORS. Petitioners

Through: Mr.Sumit Gaur, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Kapil Dutta, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.04.2018

At the outset, learned counsel for the petitioners submits that the Appellate Tribunal MCD is not functioning for want of a Presiding Officer and therefore they have been compelled to approach this Court. The aforesaid position is not disputed by learned counsel for the respondent.

Vide the present petition, the petitioners seeks a direction to the respondent not to take any coercive sealing action against their property No.B/1898, Shastri Nagar, New Delhi.

Learned counsel for the petitioners submits that the only relief which the petitioners are seeking at this stage, is that the respondent should not take any coercive action against the petitioners without following the principles of natural justice and without giving them a personal hearing. He further submits that in case the petitioners are

granted a hearing by the respondent, they would be able to satisfy the respondent that no case is made out for sealing of the petitioners' property.

Mr.Kapil Dutta, Advocate, who enters appearance on advance notice for the respondent submits that the final sealing order is yet to be passed and the respondent has only issued a show-cause notice to the petitioners. Learned counsel for the petitioners however, disputes that any show cause notice has been received by any of the petitioners.

In these circumstances, the respondent is directed to give another copy of the show-cause notice to the petitioners and their learned counsel within two days. Upon receipt of a copy of the show-cause notice, the petitioners would be entitled to submit a reply thereto within 7 days. Upon receipt of a reply, the respondent shall take a final decision on the show cause notice and after granting an opportunity of personal hearing to the petitioners or their authorised representatives, pass a reasoned and speaking order.

The petition and pending applications are disposed of.

Needless to say that in case the petitioners are aggrieved, it will be open for them to take legal recourse as permissible under law.

DASTI.

REKHA PALLI, J

APRIL 26, 2018

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