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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) NO. 4239/2018, CM Nos. 16593-16594/2018**
NEW DARVESH RESTAURANT

..... Petitioner

Through: Mr. Bandana Grover, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr. Ajjay Aroraa, Adv. with Mr.
Kapil Dutta, Adv. with Mr. Satish
Kumar, P.H.T with Mr. Shivendra
Singh Gurjar, A.P.H.T (Health
Department, NDMC)

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
25.04.2018

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CM No. 16594/2018

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) NO. 4239/2018 & CM No. 16593/2018

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

2. The present petition has been filed with the following prayers:-

*"In view of the submissions made herein above this
Hon'ble Court may be pleased to:-*

a. Issue a writ petition under Article 226 of the Constitution of India seeking a writ of certiorari or any other appropriate writ, order direction against the Respondent:

i. quashing the impugned order dated 02.03.2018 bearing no.DHO/CLZ/2018/21 for closing the restaurant/trade of eating house run by the Petitioner;

ii. quashing the impugned undated closure order received on 03.04.2018 bearing no. no.DHO/CLZ/2018 for closing the restaurant/trade of eating house run by the Petitioner;

b. Issue a writ petition under Article 226 of the Constitution of India seeking a writ of mandamus or any other appropriate writ, order, direction against the Respondent:

i. directing the respondent to consider/decide the application for renewal of trade license dated 05.03.2018 submitted by the petitioner.

ii. directing the respondent to not harass the petitioner in carrying out his peaceful trade.

c. Issue a writ petition under Article 226 of the Constitution of India seeking a writ of prohibition or an other appropriate writ, order or direction

i. directing the respondent to restraint themselves from passing any sealing order pursuant to the office note dated 19.04.2018 issued by the Respondent qua the premises where the petitioner is carrying on his trade of eating house with the name M/s New Darvesh Restaurant

Pass/make such other appropriate order(s) and/or

directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

3. It is a conceded case that the health trade license issued to the petitioner expired on March 31, 2018. The learned counsel for the petitioner submits, the petitioner had applied for the renewal of the license much in advance on March 05, 2018. Unfortunately, the same has not been considered by the respondent, which resulted in the undated closure notice at page 48 of the paper book (according to Mr. Aroraa, it is April 02, 2018) whereby the respondent has called upon the petitioner to close the restaurant.

4. After hearing the counsel for the parties, the only order that can be passed today is directing the respondent to consider the application of the petitioner for renewal of health trade license dated March 05, 2018. Therefore, it is directed that the respondent through Deputy Health Officer shall give a hearing to the representative of the petitioner tomorrow i.e 26th April, 2018 at 11.30 am. Thereafter, the concerned Officer shall pass an order on the application on or before 28th April, 2018 and communicate the same to the petitioner the same day through a whatsapp message/written order.

5. The petition and the connected application stands disposed of. It is made clear the respondent shall not operate the restaurant till such time.

Dasti under the signatures of Court Master.

V. KAMESWAR RAO, J

APRIL 25, 2018/ak