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

+ **W.P.(C) 4771/2018, CM Nos. 18422-18423/2018**

SMT. RAJPAL KAUR AND ANR. Petitioners

Through: Ms. Aakriti Dawar and
Mr. Anshuman Animesh, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr. Nikung Garg, Adv. for R1 with
Mr. Mahesh Yadav, Inspector

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.05.2018**

CM No. 18423/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4771/2018

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

“(a) Issue a Writ, Order or direction in the nature of Certiorari quashing the action of the respondent sealing the shops in question being Shop No.22,24,26 and 27 in KD Block, Pitampura, Delhi-110088 as being illegal, arbitrary, unjustified and being in violation of Principal of Natural Justice and issuing appropriate Mandamus to consequently de-seal the said shops in question;

- (b) Quash the Show Cause Notice dated 13.02.2018 and Revocation order dated 16.02.2018 revoking the Health License of the Petitioners with respect to shop No.22, 24 and 26.*
- (c) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

It is the submission of the learned counsel for the petitioners that the respondents have not issued show cause notice to the petitioners before effecting the sealing of the shops. It is submitted even no order of sealing has been served upon the petitioners. He would submit that the show cause notice annexed with the petition has been provided to the petitioners when the petitioners had visited the office of the respondents.

Learned counsel for the respondents contended otherwise, according to him, the show cause notice was served on the petitioners. He also states that the sealing order was pasted on the shutter of the shop(s) concerned.

I am unable to agree with the submission made by the learned counsel for the respondents that a show cause notice was served on the petitioners for the reason that in the petition, the petitioners have made a positive statement that the show cause notice and the sealing orders were provided to the petitioners on February 19, 2018.

Be that as it may, in the peculiar facts of the case that no hearing was

given to the petitioners and the reason for sealing property is that the same was being run in most unsanitary and unhygienic condition, I deem it appropriate to direct the respondents to consider the present petition as a representation of the petitioners to the show cause notice dated February 13, 2018 and by providing to the petitioners the evidence against them and by giving hearing to the petitioners pass a speaking order. The said hearing shall be given to the petitioners by Dr. Rajesh Rawat, Deputy Health Officer, tomorrow i.e. May 05, 2018 at 03:00 P.M. The speaking order shall be passed on or before May 09, 2018. If the order is not passed on or before May 09, 2018, respondents shall de-seal the shops till the time order is passed. Once the order is passed the same shall be given effect to.

With the above, the petition is disposed of.

CM No. 18422/2018 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 04, 2018/aky