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

+ **W.P.(C) 6667/2018**

LOKESH PARASHAR

..... Petitioner

Through: Mr. Saurabh Chadda with Mr. Rohit
Bhagat, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondents

Through: Ms. Kanika Agnihotri, Standing counsel
along with Ms. Malvika Trivedi, Adv. for R-1 to
R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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22.06.2018

CM No.25385/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6667/2018 & CM 25384/2018 (stay)

This petition has been filed challenging the order dated 6th/7th June, 2018 passed by the Director (Estate-I) *inter alia* directing as under:

“11. As far as Estate-I Department is concerned, Health Licensing Department may kindly examine for renewal of health licenses provided that the mandatory conditions with regard to area, sewerage connection and other conditions meant for issuance of health licence are complied by both the parties. Till such permission/license is issued to both the parties, Health Licensing Department may appropriately initiate action for sealing of both the shops i.e. Stall No.5, Shankar Market and Shop of Sh. Lokesh Parashar (Shop No.1., Shankar Market) under section 333 of NDMC Act, 1994 if they indulge in preparation and sale of eatable items etc. without valid health licence.”

The learned counsel for the petitioner submits that on a complaint filed by the petitioner which was being investigated, the Impugned Order now, in fact, directs sealing of the petitioner's shop as well. It is the submission of the counsel for the petitioner that the petitioner has already applied for renewal of the Health Licence in its favour, therefore, action of sealing cannot be initiated.

The Impugned Order merely records that the Health Licensing Department may appropriately initiate the action for sealing if the petitioner indulges in preparation and sale of eatable items without valid health Licence. Such action has to be in accordance with law and the petitioner may make an appropriate representation in this regard before the concerned authority which shall be considered on its own merit.

The other objection of the petitioner is that the respondent No.4 could not have been granted a Health Licence as the shop of respondent No.4 does not have the minimum area required for the same. The Impugned Order clearly records that respondent No.4 had a Health Licence till 31.03.2018 and has applied for renewal of the same. The issue raised by the petitioner shall also be considered by the concerned authority.

The petition is disposed of in the above terms.

Dasti.

**NAVIN CHAWLA
(VACATION JUDGE)**

JUNE 22, 2018/ns