

\$~18

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

+ **W.P.(C) 8578/2018 & CMs 32927-28/2018**

FANCY SILK & SMALLWARE Petitioner

Through: Mr. Sumit Chander, Mr. Shagufa
Salin and Mr. Jatin Choudhary,
Advocates

versus

UNION OF INDIA Respondent

Through: Mr. Arun Bhardwaj, CGSC with
Mr. Nikhil Bhardwaj, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **17.08.2018**

To impugned Show-cause Notice of 31st May, 2018, petitioner claims to have sent a Reply on 29th July, 2018 (*Annexure P-17*). The stand of learned counsel for petitioner is that there is no justification whatsoever for issuance of impugned Show-cause Notice. It is submitted that petitioner had given a Representation (*Annexure P-15*) to respondent on 7th March, 2003 with a request to convert the temporary lease of subject land to free-hold. According to petitioner's counsel, there is no response to the said Representation.

Impugned Show-cause Notice was issued prior to initiation of proceedings under *the Public Premises (Eviction of Unauthorised Occupants) Act, 2014* on account of non-payment of dues. Learned counsel for petitioner submits that the non-payment of dues was disputed by petitioner way back in the year 1991.

Learned counsel for respondent fairly states that before any steps are taken against petitioner, petitioner's Reply to the Show-cause Notice, if received, would be duly considered.

In view of aforesaid, this petition is disposed of with direction to respondent to give a speaking response to petitioner's Reply (*Annexure P-17*) in case the impugned Show-cause Notice is not dropped. It is made clear that before taking any coercive steps against petitioner, the fate of the Show-cause Notice after considering petitioner's Reply, if received by respondent, be conveyed to petitioner well within time, so that petitioner may avail of the remedies as available in law, if need be.

With aforesaid directions, this petition and the applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 17, 2018

S