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

+ LPA 356/2017, CM No. 36557/2018

AVTAR GOODS CARRIERS Appellant

Through: Ms. Aastha, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Kaushal Kumar, Adv. for UOI
Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Adv. for NDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.10.2018

CM No. 36557/2018

Heard. The prayer made in the application is to de-seal the shop bearing No.9, New Qutab Road, Delhi and further to dispose of the appeal in terms of the order already passed by the Coordinate Bench of this Court on May 07, 2018 in LPA Nos. 521/2016, 620/2016 and 1/2017. In the aforesaid appeals the Coordinate Bench has remanded the matters back to the writ Court and it further directed in paras 8 and 9 of the said judgment as under:

“8. In the light of the foregoing, the Court is of the opinion that the learned Single Judge should undertake the exercise afresh, of interpreting clause 7(f) in the context of whether it could be construed as divesting the lawful leasehold rights of someone who had purchased the property or otherwise and whether the undertakings/affidavits in fact did so. The impugned orders are accordingly set aside. The matter is remitted to the learned Single Judge who shall examine these aspects as well as other relevant circumstances and render his decision in accordance with law.

9. All rights and contentions are kept open. We notice that in LPA 620/2016, the appellant’s shop was sealed pursuant to the impugned order dated 06.09.2016; the status quo ante as existing on the date of the judgment shall be restored within two weeks. This interim order shall be subject to the final outcome of the petitions.”

That apart, the direction issued is to the effect that the property would be de-sealed within a period of seven days. However, the appellant would not dispose of, rent out and give the property on license to a third person without permission of the Court, namely learned Single Bench. Accordingly, this application is disposed of.

LPA No. 356/2017

On the last date of hearing, the learned counsel for the respondents had taken time to seek instructions and on instructions, he informed us that the respondents have no objection if the appeal is allowed and disposed of in terms of the order dated May 07, 2018 in LPA 521/2016 and other

connected matters.

In view of the aforesaid, this appeal also allowed and disposed of in identical terms as indicated hereinabove.

The date already fixed i.e. October 15, 2018 stands cancelled.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 10, 2018/aky