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

+ LPA 643/2018 & C.M.No.48316/2018

C B JINDAL ALUMINIUM PVT LTD & ANR Appellants

Through: Ms.Geeta Luthra, Sr.Adv. with
Mr.Prateek Yadav, Mr.Altamish Siddiki,
Ms.Asmita Narula, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr.Dhanesh Relan, Standing Counsel
with Ms.Komal Sorout, Adv. for DDA.
Mr.Chirag Madan, Adv. with Ms.Ravleen
Sabharwal, Adv. for R-2.

+ LPA 644/2018 & C.M.No.48321/2018

CHANDRA PRABHU BUILDTECH PVT LTD Appellant

Through: Ms.Geeta Luthra, Sr.Adv. with
Mr.Prateek Yadav, Mr.Altamish Siddiki,
Ms.Asmita Narula, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr.Dhanesh Relan, Standing Counsel
with Ms.Komal Sorout, Adv. for DDA.

+ LPA 645/2018 & C.M.No.48323/2018

AMIT INFOTECH PVT LTD & ANR Appellants

Through: Ms.Geeta Luthra, Sr.Adv. with
Mr.Prateek Yadav, Mr.Altamish Siddiki,
Ms.Asmita Narula, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr.Dhanesh Relan, Standing Counsel
with Ms.Komal Sorout, Adv. for DDA.
Ms.Niddhi Raman, Adv. for R-2 along with
ACP/VV Mohd. Iqbal, ATO/AV Insp. Ranjan,
S.I.Anuj Kumar.

+ LPA 646/2018 & C.M.No.48325/2018

MARUSHA ENGINEERS & DEVELOPERS

PVT LTD & ANR

..... Appellants

Through: Ms.Geeta Luthra, Sr.Adv. with
Mr.Prateek Yadav, Mr.Altamish Siddiki,
Ms.Asmita Narula, Adv.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr.Dhanesh Relan, Standing Counsel
with Ms.Komal Sorout, Adv. for DDA.

Mr.Sumit Agarwal, Adv. for R-2 along with ACP
Mohd. Iqbal.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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20.11.2018

C.M.No.48317/2018 (exemptions) in LPA 643/2018

C.M.No.48322/2018 (exemptions) in LPA 644/2018

C.M.No.48324/2018 (exemptions) in LPA 645/2018

C.M.No.48326/2018 (exemptions) in LPA 646/2018

Allowed, subject to all just exceptions.

LPAs No.643-646/2018

As all these appeals seek exception to an order passed by the Writ Court on 14.11.2018 rejecting the prayer for interim relief, they are being disposed of by this common order.

2. The appellants in all these cases filed the writ petitions seeking interim *ex parte* stay with regard to the operation of an order dated 30.10.2018 passed by the respondent No.1 / Delhi Development Authority to the effect that the back entrance of the shops owned by the appellants and situated in Cross River Mall located at CBD Ground, Shahdara, Delhi should be closed. It was the case of the petitioners before the learned Writ Court that the back entrance has been granted to them in accordance with the terms and conditions of allotment as per the sanctioned and approved site plan and merely on the basis of some communication made by the Dy. Commissioner

of Police, Shahdara District, closing of the back entrance is not proper, therefore, challenging the aforesaid action primarily on the ground that it has been done without hearing the petitioners and without following the principles of natural justice, the writ petitions were filed. The learned Writ Court went into the issue in detail, made the prima facie assessment of all the factors and recorded a finding that the very fact as to whether the sanctioned map which was available permitted access to the customers from the rear entrance of the shops and whether the petitioners had a vested right is doubtful. It was found that material to substantiate existence of such a right is not forthcoming from the material available on record. That apart, as the documents and the letters brought on record, particularly the letter of the Dy. Commissioner of Police, Shahdara Dist. indicated security concerns for issuing such a direction, the learned Writ Court was of the view that prima facie a case for grant of interim relief is not made out. The prayer for interim relief was rejected and the respondents were directed to complete the pleadings and thereafter the matter was to be heard.

3. In rejecting the prayer for interim relief on such consideration, in our considered view, the learned Writ Court has not committed any error. Even though the learned senior counsel for the appellants tried to demonstrate before us through the photographs and site plan approved by the competent authority that the back entrance is approved under the site plan and is part of the sanction granted, we find that the learned Writ Court has reproduced in para 7 the entire order impugned dated 30.10.2018, thereafter the approval as granted by the Delhi Development Authority's Building Section on 07.09.2016 in para 9 and recorded a prima facie opinion that neither the letter extracted, i.e. 07.09.2016 nor the sanction plan available at Pg.61 of the paper book in LPA 463/2018, creates a vested right in favour of the petitioners to permit access to their customers through the rear entrance of

the shop. It was found that there are three entrances to the shop and even if on security consideration one entrance is closed, two more entrances are available for accessing the shops and after taking note of all these factors, a prima facie assessment is made and the prayer for interim relief rejected. In our considered view, the learned Writ Court in doing so has not committed any error or illegality so grave in nature that interference at this interlocutory stage when the writ petitions are pending for consideration on merit is called for.

3. The appeals are devoid of substance, do not warrant interference at this interlocutory stage and are therefore dismissed.

The pending applications shall also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 20, 2018

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