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

+ **W.P.(C) 8725/2017**

MOHD. YASIN

..... Petitioner

Through: Mr. M.M. Kashyap, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Sanjeev Kumar Singh, Adv. with
Mr. R. Pandey, Adv. for R2 & R3
Mr. Deepak K. Vijay, Adv. with
Mr. Neeru Sharma, Adv. for R4
Mr. Tushar Sannu, Adv. for NDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.02.2018**

CM No. 35740/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8725/2017

The present petition has been filed by the petitioner with the

following prayers:

"It is therefore, most respectfully prayed to this Hon'ble Court be pleased to issue writ of mandamus or other appropriate writ, order or directions in favour of petitioner and against the respondents;

- a) *To direct respondent Nos.1, 2 & 3 to take steps against Mohd. Nasir/respondent No.5 to restrain him from selling beryani without health liances.*
- b) *To direct respondent No.1 to seal the premises of shop No. 769, Suiwalan Darya Ganj, Delhi u/s 419 of D.M.C. Act,*

- c) *To direct respondent No.3 to seal the premises of shop No.769, Suiwalan Darya Ganj, Delhi U/s 133 of Cr.P.C.,*
- d) *To direct respondent No.2 registered case u/s 380 IPC for theft of electricity against Mohd. Nasir/respondent No.5 for stealing the electricity directly from the electricity pole.*
- e) *To direct respondent No.4 to take steps for registration of case of theft against respondent No.5*
- f) *To direct respondent No.4 to disconnect the illegal electric connection from the bole to the shop No. 769, Suiwalan Darya Ganj, Delhi.*
- g) *To direct respondent No.4 to recover the amount of electric bills not paid by Mohd. Nasir till date.*
- h) *Pass such other or further order/orders as this Hon'ble Court may deem fit and proper in this facts and circumstances of the case."*

In substance the grievance of the petitioner is that the respondent No.5 is selling Biryani without any health license. It is also his grievance that the respondent No.5 is stealing electricity directly from the electricity pole. Mr. Tushar Sannu, learned counsel appearing for the NDMC states, status report has been filed in the Registry on January 31, 2018 vide diary No.31170. The same is not on record. Registry shall place the same on record. He has handed over to me a copy of the status report as referred to above. The paras 2 and 3 of the status report reads as under:

"2. That this Hon'ble Court vide order dated 04.01.2018 directed the North Delhi Municipal Corporation to file the status report on record. It is submitted that in the earlier status report, it was stated that for running the trade of Dhaba with 12 seats at the subject premises without Municipal Health Trade License, the show cause notice No.DHO/CITYSP/17/D-475 dated

05.12.2017 was issued and served upon Sh. Manzoor S/o. Sh. Abdul Wahid to close down the trade within seven days. The matter was further examined and sealing order under Section 423 of the Delhi Municipal Corporation Act, 1957 was passed vide order No. DC/CSP/17/702 dated 29.01.2018. The aforesaid sealing order has been executed on 30.01.2018 and the premises have been sealed. The sealing order dated 29.01.2018 and photographs showing the execution of the sealing order are annexed herewith as AnnexureR-1 Colly.

3. That in the present case the prayer of the Petitioner is satisfied with and hence in view of the above mentioned facts and circumstances, it is most respectfully prayed before this Hon'ble Court to dispose of the writ petition."

According to Mr. Tushar Sannu, sealing order dated January 29, 2018 has been executed on January 30, 2018 and the premises has been sealed. In view of this stand of the NDMC, the grievance of the petitioner with respect to respondent No.5 running the Dhaba without any municipal health license has been satisfied and nothing further survives. Insofar as the grievance of the petitioner with respect to the electricity theft is concerned, learned counsel for the respondent No.4 states, the theft of electricity has been booked and the complaint has been made to the police. He also states, further action shall be taken on that aspect in accordance with law. At this stage, the learned counsel for the petitioner submits that an amount of Rs.2,30,000/- approx bill has been raised by the respondent No.4 and the same should be recovered from the respondent No.5. I say nothing on this

submission made by the learned counsel for the petitioner. It goes without saying that respondent No.4 shall take action in accordance with law. Nothing further survives in the petition. The same is disposed of.

V. KAMESWAR RAO, J

FEBRUARY 01, 2018/aky