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

+ W.P.(C) 11234/2017

SHRI HARMINDER SINGH

..... Petitioner

Through: Mr. J.C. Mahindroo and
Mr. Shubham Aggarwal, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION
& ORS

..... Respondents

Through: Ms. Namrata Mukim, Adv. for R1
and R2.
Mr. Ankur Chibber and Mr. Bhanu
Gupta, Advs. for R3 with SI
Ramakant, PS-Sarai Rohilla.
Mr. Murari Kumar, Adv. for R4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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03.01.2018

Present petition has been filed by the petitioner with the following prayers:

“It is therefore respectfully prayed that a Writ of Mandamus be issued by this Hon’ble Court directing the Respondent No. 1 and 2 to withdraw the Work Stop Notice dated 3011/2017 bearing No.AE(B)/c-SPZ/17/D-280 and to direct the extension for completion of the construction as per the sanctioned plan which had been valid upto 26/12/2017 and any other further order or direction which this Hon’ble Court deems fit and proper be also issued in favour of the Petitioner and against the respondents in the peculiar facts and circumstances of this case.”

When the matter was listed yesterday i.e., on January 2, 2018, Mr. J.C. Mahindroo, learned counsel appearing for the petitioner has drawn my attention to a show cause notice dated December 27, 2017 issued to the petitioner under Section 338 of the Delhi Municipal Act, 1957, calling upon him to submit reply to the same within three days. At the same time, the learned counsel appearing for the respondent nos. 1 and 2 had stated before the court that the impugned action is because of the fact that the petitioner has not submitted the “No Objection Certificate” from the owner of the first floor. She sought some time to take instructions. Today, it is her submission that the impugned action is because of the wrong affidavit submitted by the petitioner. In any case, she states, that the petitioner is required to respond to the show-cause notice dated December 27, 2017, to enable the respondent nos. 1 and 2 pass a speaking order.

Mr. Mahindroo states that the petitioner has no objection to give a reply to the show cause notice dated December 27, 2017. But the petitioner’s immediate requirement is that he be allowed to remove the shuttering put up for construction. Learned counsel for the respondent nos. 1 and 2 has no objection in that regard.

In view of the above submissions of the counsels, the petition is disposed of directing the petitioner to give a reply to the show cause notice dated December 27, 2017 within two days from today. The respondents 1 & 2 shall consider the same and pass a speaking order within one week thereafter.

Pending the aforesaid process, the petitioner shall be at liberty to remove the shuttering. Needless to state, if the petitioner is aggrieved by the order to be passed by respondent nos. 1 and 2, he is at liberty to avail such

remedy as available to him in accordance with law.

The petition stands disposed of.

A copy of this order be given *dasti* under the Signatures of the Court Master.

V. KAMESWAR RAO, J

JANUARY 03, 2018/jg