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

+ **W.P.(C) 11703/2017**

HAROON

..... Petitioner

Through: Ms. Madhu Tewatia and Mr. Adhirath
Singh, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION &

ANR

..... Respondents

Through: Mr. Tushar Sannu, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.01.2018

CM. No. 47495/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 11703/2017

The present petition has been filed by the petitioner with the following prayers:

“It is therefore most respectfully prayed that this Hon’ble Court be pleased to issue the following reliefs:-

I. A writ of Mandamus or any other appropriate Writ, Order or Direction in the nature therefore directing the Respondents to consider the Application of the petitioner submitted to Respondent No.2 vide Receipt No. G8-6590697/Ref. No. 4706726 dated 14.07.2017 (Annexure P/3) for the grant of Trade Licence for running his Meat Shop – bearing No. T-235, Shop No.1, Ground Floor, Baljeet Nagar, New Delhi – 110005 for the sale of Mutton and Chicken

Halal – within a time bound manner and after adhering to the Principles of Natural Justice and fair play in action;

AND

II. A writ of Mandamus or any other appropriate Writ, Order or Direction in the nature thereof declaring that the Non-action of the Respondents and Non-performance of their statutory duty as cast by the provisions of the Delhi Municipal Corporation Act, 1957 in not deciding the application of the petitioner submitted vide Receipt No.G8-6590697 4706726 dated 14.07.2017 for the grant of Trade Licence as aforesaid – is arbitrary, unreasonable, whimsical, actuated with legal malafides and hit by the provisions of Articles 14 & 21 of the Constitution of India;

AND

III. A writ of Mandamus or any other appropriate Writ, Order or Direction in the nature thereof directing the Respondents to desal the shop – bearing No. T-235, Shop No. 1, Ground Floor, Baljeet Nagar, New Delhi – 110005 as there exists no legal violation and to restrain the Respondents from rejecting the grant of trade licence for running the meat shop as aforesaid on extraneous consideration, i.e., other than what are stipulated in the DMC Act, 1957 and the Policy of the Corporation (if any) And

IV. Any other appropriate writ, order or direction as deemed fit and proper in the facts of the present case; AND

V. Call for the records of the case;

VI. Award Exemplary Costs / Damages in the matter”

In substance, petitioner has sought directions for consideration of his application dated July, 14, 2017 for grant of trade licence and for de-sealing of the property bearing T-235, Shop No.1, Ground Floor, Baljeet Nagar,

New Delhi – 5. Mr. Tushar Sannu, learned counsel appearing for the respondents on advance notice states that the shop in question was sealed as the tenant was running the Meat shop in unhygienic condition and without a valid licence. According to him, it appears that the petitioner had bought the shop in question from the original owner, Mr. Suraj Prakash. He also states that the seal of the shop was unauthorizedly broken and renovation work was being carried out for which a complaint has been made with the concerned Police Station on July 8, 2017. It is his submission that the shop was again re-sealed on July 10, 2017. He states in so far as the application for grant of trade licence is concerned, a decision has been taken in the month of September, 2017 and an order in that regard dated September 12, 2017 was sent to the petitioner. This aspect is disputed by Ms. Madhu Tewatia, learned counsel for the petitioner. Be that as it may, Mr. Tushar has given another copy of the order dated September 12, 2017 to Ms. Tewatia, who states petitioner would take / seek appropriate remedy against the order.

In so far as the plea regarding applications of the petitioner for de-sealing of the shop (at pages 50 and 52 of the paper book) are concerned, it is the submission of learned counsel for the respondents that a decision on the applications shall be taken and communicated to the petitioner within three weeks from today. If that be so, respondents shall give a hearing to the petitioner within 10 days from today by intimating the date and time to the petitioner.

Noting the submissions made by the counsel for the parties, nothing further survives in the present petition. It is made clear that this court has not observed anything on the subject matter of the complaint made by the

respondents to the police authorities. The petitioner shall be at liberty to seek such remedy as available in law against the order to be passed by the respondents on the petitioner's request for de-sealing of the property.

The petition stands disposed of.

CM. No. 47494/2017 (for direction)

In view of the order passed in the writ petition, the application is dismissed as infructuous.

V. KAMESWAR RAO, J

JANUARY 02, 2018/jg