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

+ **W.P.(C) 13120/2019**

THE LEARNING TREE PLAY SCHOOL

..... Petitioner

Through Mr. Amarjit Singh Chandhiok, Sr.
Advocate with Mr. Amitabh Chaturvedi,
Ms. Sweta Kakkad, Mr. Sangeeth Mohan
and Ms. Priya, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Ms. Malvika Trivedi, ASC, SDMC with
Mr. Tushar Sannu, ASC, NDMC and
Ms. Shivani Garg, Advocate for

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **13.12.2019**

CM APPL.53473/2019 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 13120/2019 & CM APPL.53472/2019 (stay)

1. Petitioner seeks calling of the complete record with respect to a sealing order dated 06.12.2019 issued by the Chief Architect of respondent-NDMC, whereby part of the premises namely, open lawn of ground floor, Flat No. B-13, Sujan Singh Park, South Side, New Delhi has been sealed and thereafter to quash the same and also to set aside the show cause notice.
2. Learned counsel appearing for NDMC on advance notice submits that the action has been taken pursuant to the directions issued by the Monitoring Committee appointed by the Supreme Court.
3. Original record has been produced in Court. Learned counsel

submits that petitioners have already filed a writ petition, being W.P. (C) No. 2925/2014, impugning the order passed by the Monitoring Committee dated 23.11.2011 which is pending before a Division Bench of this Court. Learned counsel further submits that the subject action is an offshoot of the said order and the petitioner should either filed an application in the said petition or approach the Monitoring Committee or the Supreme Court for further orders.

4. Learned Senior Counsel appearing for the petitioner submits that the petitioner has only been conveyed order dated 06.12.2019 which refers to satisfaction being accorded by the competent authority-NDMC, however no order of the competent authority has been provided.

5. Learned counsel for the respondent, under instructions, submits that copy of the original record which has been produced before this court comprising of the office noting as also copy of the consideration by the competent authority of the reply to the show cause notice and the decisions taken, shall be provided to the petitioner within three working days.

6. In view of the above statement, learned Senior Counsel for the petitioner under instructions seeks leave to withdraw the petition with liberty to take appropriate remedy as available in law.

7. The petition is accordingly dismissed as withdrawn with liberty as prayed for. All rights and contentions of the parties are reserved.

8. Order *Dasti* under signatures of Court Master.

SANJEEV SACHDEVA, J

DECEMBER 13, 2019/‘rs’