

\$~32, 33, 46, 47, 48 and 49

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

+ W.P.(C) 3217/2019
+ W.P.(C) 3218/2019
+ W.P.(C) 3228/2019
+ W.P.(C) 3229/2019
+ W.P.(C) 3230/2019
+ W.P.(C) 3235/2019

SUNIL KUMAR
ASHOK KUMAR TANWAR
BALKISHAN TANWAR & ORS.
DEV CHAND SINGH
MEENA KUMARI
RAJ BALA

..... Petitioners

Through: Mr. Gaurav Tanwar, Ms. Shreya Jain
and Ms. Rita Kumar, Advs.

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr. Ankur Mishra and Mr. Tarveen
Singh Nanda, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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03.04.2019

The writ petition being W.P.(C) No. 3217/2019 has been filed by the
petitioner with the following prayers:

*“For meeting the ends of justice and in the circumstances stated
above, it is, therefore, respectfully prayed that the Hon’ble
Court may graciously be pleased to:-*

a) Allow the present Writ Petition and issue any writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction in the nature thereof, directing the Respondent to de-seal the property bearing no. CB-293, Naraina Ring Road, New Delhi – 110028; or / and

b) Allow the Petitioner to use the said premises as per the rules / permissions given by the Respondent.

c) Pass such other and further order (s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and to meet the ends of justice.”

This batch also consists of writ petition nos. 3218/2019, 3228/2019, 3229/2019, 3230/2019 and 3235/2019. The only difference between the aforementioned petitions and W.P.(C) 3217 is with respect to address of the subject properties inasmuch the aforementioned batch petitions concern properties being CB-296, Ground Floor, Naraina Ring Road, New Delhi – 110028, CB-103, Naraina Ring Road, New Delhi – 110028, CB-76B, Naraina, New Delhi – 110028, CB-104, Naraina Ring Road, New Delhi – 110028, CB-119, Ground Floor (half portion), Naraina Ring Road, New Delhi – 110028 respectively.

Learned counsel for the petitioner has relied upon an order passed by the Coordinate Bench of this Court on September 5, 2018 in W.P. (C) 9305/2018 wherein the Court has disposed of the petition in terms of the following directions:

“9. In view of the above, the present petition is disposed of by directing the petitioner to file an undertaking by way of an affidavit unequivocally affirming that no industrial activity or illegal activity shall be carried out from the premises. It is pointed out that the petitioner had already furnished an affidavit dated 05.03.2018 to the Delhi Cantonment Board, inter alia, affirming that no industrial activity shall be carried out from the premises. In addition, the petitioner would also furnish an affidavit stating that the petitioner would not carry out any illegal activity from the premises. Let the said affidavits/undertakings be filed within a period of one week from today.

10. On the aforesaid affidavits/undertakings being filed, respondent no.2 shall de-seal the premises. The petitioner would also pay the necessary cost for sealing/de-sealing of the premises which shall be informed by the respondents to the petitioner.

11. It is further clarified that this order shall not preclude the respondents from taking any other steps in accordance with law and this order shall not be construed as absolving the petitioner of any of the consequences of running an industrial unit from the premises.”

Learned counsel for the petitioners states that similar order be passed in these petitions as well. He also states that petitioners are ready and willing to file an undertaking by way of an affidavit unequivocally affirming that no industrial or illegal activity shall be carried out from the premises in question and that he is ready to pay the necessary cost for sealing / de-sealing of the premises which shall be informed by the respondent to the petitioners.

Learned counsel appearing for the respondent states, he has no

objection if similar order is passed in this batch of petitions.

Accordingly, the petitioners are directed to file an undertaking by way of an affidavit with the respondent unequivocally affirming that no industrial or illegal activity shall be carried out from the premises in question. Let the affidavit be filed within one week from today. On the aforesaid affidavit / undertaking being filed, and paying the cost of de-sealing / sealing of the property within one week of intimation by the respondent from today, the property shall be de-sealed.

It is further clarified that this order shall not preclude the respondent from taking any other steps in accordance with law and this order shall not be construed as absolving the petitioners of any of the consequences of running an industrial unit from the premises.

With the aforesaid, the petitions are disposed of.

V. KAMESWAR RAO, J

APRIL 03, 2019/jg