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

Date of decision: 23rd October, 2019

+ **LPA 323/2019 & CM Nos.22470/2019 & 22471/2019 (for stay)**

OM PRAKASH JATAV

..... Appellant

Through: Mr.Jatan Singh, Adv. with Mr.Pawan
Madhukar, Adv.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Parvinder Chauhan, Adv. for R-1.
Mr.Komal, Adv. for Mr.Dhanesh
Relan, Adv. for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This Letters Patent Appeal has been preferred by the original petitioner whose original writ petition i.e. WP(C) No.4393/2019 was dismissed by the learned Single Judge vide judgment and order dated 26th April, 2019.

2. Having heard counsel for both the sides and looking to the fact that the writ petition was preferred by this appellant against the show cause notice dated 8th March, 2019 issued by the respondent no.3

which is yet to be replied by this appellant (original petitioner). The said show cause notice is yet to be adjudicated upon by the respondent no.3. Moreover, while adjudicating the show cause notice, the respondent no.3 shall hear this appellant (original petitioner) in accordance with law and in accordance with the Delhi Urban Shelter Improvement Board Act, 2010 (hereinafter referred to as “DUSIB Act, 2010”). As the show cause notice dated 8th March, 2019 is yet to be finally disposed of, we see no reason to entertain this Letters Patent Appeal otherwise nothing will be left for the authority for adjudication of the said show cause notice. We, therefore, see no reason to entertain this Letters Patent Appeal.

3. However, at this stage, we direct the respondent no.3 to decide the show cause notice dated 8th March, 2019 as early as possible and practicable after giving adequate opportunity of being heard to this appellant (original petitioner) in accordance with DUSIB Act, 2010.

4. It is to be kept in mind that the decision of the respondent no.3 upon the aforesaid show cause notice is also an appealable one under Section 45 of the DUSIB Act, 2010. Hence, we see no reason to entertain this LPA at this stage.

5. However, if this appellant (original petitioner) wants to file any reply to the show cause notice dated 8th March, 2019, the same will be done within a period of four weeks from today.

6. With these observations, this Letters Patent Appeal is disposed of.

7. Dasti.

CM Nos.22470/2019 & 22471/2019 (for stay)

In view of the disposal of the appeal, these applications also stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 23, 2019/aa

