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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6686/2019, CM No. 28184/2019**
NEETU SINGHAL

..... Petitioner

Through: Mr.Sanjay Sharawat, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondent

Through: Mr. Ajay Arora, Ms. Ankita Sarangi,
and Mr. Kapil Dutta, Advocates for
NDMC
Mr. Brijesh Kumar Saha, Executive
Engineer for respondent No. 2.
Mr. K.R. Meena, Assistant Engineer
for respondent No. 3.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **31.05.2019**

Yet again, the petitioner has approached this Court by way of this petition with the following prayer:

“Issue a writ of mandamus and direct the respondents to decide the application of the petitioner dated 14.05.2019 for seeking regularization of the construction carried out by her on the terrace of second floor of property bearing No. KU-27, Pitampura, Delhi – 110034.

The earlier writ petition being WP (C) No. 5694/2019 was disposed of by this Court on 22.05.2019, inter-alia, stating as under:-

“Accordingly, the respondents shall not hold the proceedings on May 23, 2019 but shall hold the proceedings on May 27, 2019 when the petitioner shall appear before the concerned officer and make her submissions on the application for regularisation. It is expected that the said officer shall pass an order on the regularisation application. If the application is decided against the petitioner, the officer shall proceed with the proceedings pursuant to notice dated April 30, 2019. It may also be that if the application of the petitioner for regularisation is accepted, the proceedings pursuant to notice dated April 30, 2019 shall automatically stand lapsed.

The writ petition is disposed of.”

It is the submission of Mr. Sharawat that on 22.05.2019 the officers of the respondent were conveyed the order passed by this Court orally. He also states that the copy of the order was served on the officers of the respondent on 23.05.2019, which aspect is disputed by Mr. Arora.

Be that as it may, it is his submission that the respondents have on May 23, 2019 rejected the application of regularisation of the petitioner without giving any hearing which was fixed on 27.05.2019. In substance, it is the plea of Mr. Sharawat that the order passed by this Court has been violated.

On the other hand, Mr. Arora states that the order passed by this Court on 22.05.2019 could not be conveyed to the Officers. It is also his submission that after the application of regularization was rejected on 23.05.2019, the petitioner was called to the office of the

respondents on 27.05.2019 and a hearing was given. However, no order has been passed. He fairly concedes that the respondents are ready and willing to give a further hearing to the petitioner, without implementing the order dated 23.05.2019.

On the other hand, Mr. Sharawat, states the opportunity of hearing to be given now shall be a mere formality as the respondents have already expressed their intention to reject the application of regularisation of the petitioner.

Having noted the submissions made by counsel for the parties, I deem it appropriate to direct the respondents to grant one more hearing to the petitioner which shall be on 03.06.2019 at 3 PM, when the petitioner shall produce all the documents in support of her case including the documents satisfying the ground of the respondents that the documents submitted by her are not in order.

On the submission of the documents, the respondent shall also hear the petitioner on the same and then pass a speaking and reasoned order within one week thereafter.

If the application is decided against the petitioner, the Officer shall proceed with the proceedings pursuant to the notice dated April 30, 2019 by notifying the date of hearing to the petitioner. If the application for regularisation is accepted, the notice dated 30.04.2019 shall automatically stand lapsed. The communication dated May 23, 2019, is quashed.

The writ petition is disposed of in the aforesaid terms.

Dasti.

V. KAMESWAR RAO, J

MAY 31, 2019
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