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

+ **W.P.(C) 8609/2019, CM No. 35559/2019**

S K VASHISHTHA

..... Petitioner

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

versus

DELHI CANTONMENT BOARD

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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07.08.2019

CM. No. 35559/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8609/2019

This petition 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 i.e. One room on the first floor of the property bearing No. CB-108 (admeasuring 15X20 sq. yards),

Naraina, 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 circumstance of the case and to meet the ends of justice.

Learned counsel appearing for the petitioner states, petitioner is ready and willing to give an undertaking by way of an affidavit for not using the premises for any industrial activity. She also states, petitioner is ready and willing to deposit any charges which the Corporation may claim for using the property for industrial activity. She would rely upon the judgments passed by this court in W.P.(C) 9305/2018 & W.P.(C) 3217/2019 and connected writ petitions.

On the other hand, learned counsel appearing for the respondent Board states, even though the action has been taken against the petitioner's property pursuant to the order of the Division Bench, but as has been directed in the two writ petitions referred to above, i.e., subject to the petitioner's giving an undertaking and deposit the relevant charges, they can de-seal the property.

If that be so, the present petition is disposed of directing the petitioner 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. In addition, an affidavit / undertaking be also filed by the petitioner within one week from today. On the aforesaid affidavit / undertaking being filed, respondent no.1 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 respondent to the petitioner.

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

The petition stands disposed of.

V. KAMESWAR RAO, J

AUGUST 07, 2019/jg