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

+ W.P.(C) 3149/2018

NAVEEN TOKAS

..... Petitioner

Through: Mr. Amitabh Neehar, Adv.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Devesh Singh, ASC (Civil)
GNCTD with Ms. Sukriti Ghai & Ms.
Urvashi Tripathi, Adv. for R-1, 3
and 5.

Mr. G.D. Mishra, Standing Counsel
for R-2/SDMC.

Mr. Sumeet Pushkarna, Standing
counsel with Mr. Anshul Aditya,
Adv. for R-4.

Mr. Uday Prakash Yadav, Mr.
Ramjee Pandey & Mr. Sujit Kumar,
Adv. for R-6.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **27.02.2019**

The petitioner's grievance is in relation to a restaurant under the name and style of Vedanta's Restaurant and a gymnasium being run from the ground floor and the basement of property bearing House No. 209 B/3 Munirka Village, New Delhi. The petitioner contends that the restaurant is being run unauthorizedly without the requisite Health Trade Licence ; and running the gymnasium amounts to misuse of the subject premises.

2. All respondents in the matter are represented.

3. In status report dated 24.09.2018 respondent No. 2/SDMC

states that insofar as the restaurant is concerned, it holds a Health Trade Licence valid up-to 31.03.2019. In so far as the gymnasium is concerned, the status report records, that running a gymnasium from the basement of the subject premises is impermissible; since it is impermissible to run a gymnasium from a basement and without the requisite Health Trade Licence.

4. The status report also says that a challan has been issued to the owner/occupier of the gymnasium on 05.04.2018; a show-cause notice dated 20.09.2018 has also been issued; and further action will be taken in due course of time.

5. Mr. G.D. Mishra, learned Standing Counsel for respondent No. 2/SDMC states on instructions that a closure notice dated 25.02.2019 has also been issued to the gymnasium.

6. While the petitioner is not fully satisfied with the action that has been taken by respondent No. 2/SDMC, he states that he wishes to withdraw the present petition reserving his liberty to approach the Special Task Force constituted by Ministry of Housing and Urban Affairs (MHUA's) *vidé* Office Memorandums dated 25.04.2018 and 23.05.2018 under the directions of Supreme Court in W.P (C) No. 4677/1985 titled *M.C. Mehta vs. Union of India & Ors.*

7. Accordingly the present petition is dismissed as withdrawn, with liberty as prayed for.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 27, 2019/uj