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

+ W.P.(C) No. 8362/2016 & CM APPL. Nos. 34641/2016, 1863/2018

AFTABUDDIN

..... Petitioner

Through: Mr. Manoj Pant, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION

& ORS.

..... Respondents

Through: Mr. Ajay Digpaul, Ms. Madhuri
Dhingra, Mr. Soumara Karmakar,
Advocates for SDMC/R1.
Mr. Jamal Akhtar, Advocate for Delhi
Police/R2 & R3.
Mr. Rakshan Ahmed, Advocate for
R4.
Mr. M.A. Niyazi, Mr. Manish Kumar,
Advocates for R5,6.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.02.2019

The petitioner's grievance was in relation to a gymnasium being allegedly run by respondents No. 4, 5 and 6 in the basement of residential property bearing No. A-16 Hauz Khas, New Delhi. The petitioner and respondents Nos. 4 and 5, 6 are relatives, living in the same property.

Status report dated 30.11.2016 filed on behalf of respondent No. 1/SDMC states that the subject premises was inspected by their

field staff on 09.11.2016, during which inspection it was noticed that there were only some yoga mats and unfitted/loose weights seen in the basement ; and that no full-fledged or equipped gymnasium was found functioning from there. Accordingly, as per respondent No. 1/SDMC's records, the matter was closed.

Counsel appearing for respondent No. 4 and for respondents Nos. 5,6 submit that the said respondents are not running a gymnasium or any other similar activity from the subject premises; that they use the subject premises only for exercise, yoga, meditation and other similar purposes for *personal* and *family* use ; and no commercial activity is being undertaken from the subject premises. Counsel further submit that though they did have a trainer who used to come to teach yoga to family members, but that has also been discontinued for the last one year.

On the other hand, learned counsel appearing for respondents Nos. 5 and 6 states that in fact, the petitioner is mis-using his part of the subject premises to run a Tattoo Centre, which is disputed and denied by learned counsel for the petitioner.

In these circumstances, I deem it appropriate to dispose of this writ petition recording the statements of counsel for the petitioner as well as counsel for respondent No. 4 and respondents Nos. 5 and 6 to the effect that they will not use or employ any part of the subject premises for any purpose not permissible by law; and that an undertaking to this effect shall be filed in court by the petitioner as well as by respondents Nos. 4, 5 and 6 within two weeks, with copies being furnished to each other.

Parties are at liberty to revive this writ petition, if any of the parties is found in breach of such undertaking.

The petition stands disposed of accordingly.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 11, 2019

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