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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9273/2018**
DR. ARVIND LAL

..... Petitioner

Through : Mr.Anupam Lal Das, Sr Advocate
with Mr.Krishanu Barua, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.

..... Respondents

Through : Ms.Malvika Trivedi and Mr.Tushar
Sannu, ASCs for respondent
No.1/NDMC.

Mr.Rajiv Bansal, Sr Advocate with
Mr.G.S.Oberio, Ms.Disha Sachdeva,
Ms.Parul Panthi and Ms.Viashali
Rawati, Advocates for respondent
No.2/DDA.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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04.04.2019

This petition is filed with the following prayers:-

“(a) Issue an appropriate writ, order or direction quashing and setting aside the sealing order passed by New Delhi Municipal Council on 09.05.2016 qua the property bearing No.54, Hanuman Road, Connaught Place, New Delhi-110001, for being ultra vires Articles 14, 19 and 21 of the Constitution of India and violative of the provisions of the Delhi Development Act, 1957; and

(b) Issue an appropriate writ, order or direction declaring that the Report No. 85 of the Monitoring Committee dated 04.04.2011 insofar as it recommends sealing of the property bearing No. 54, Hanuman Road, Connaught Place, New Delhi-110001 on account of its alleged misuse, and the sealing order dated 11.12.2015 passed by the Monitoring Committee are in teeth of the judgment dated 13.10.1995 passed by the Court of Learned Metropolitan Magistrate in Sl No. 94/92; and

(c) Issue an appropriate writ, order or direction declaring that the Monitoring Committee, has no power or authority to

recommend or order or direct, in any manner, to cause sealing of the property bearing No. 54, Hanuman Road, Connaught Place, New Delhi-110001; and
(d) Issue an appropriate writ, order or direction declaring that Respondent No. 1, New Delhi Municipal council, has no power or authority to recommend or direct or, in any manner, cause sealing of the property bearing No. 54, Hanuman Road, Connaught Place, New Delhi-110001; and
(e) Issue an appropriate writ, order or direction declaring that Respondent No. 2, Delhi Development Authority, has no power or authority to recommend or direct or, in any manner, cause sealing of the property bearing No. 54, Hanuman Road, Connaught Place, New Delhi-110001; and
(f) Issue an appropriate writ, order or direction restoring the possession of the subject property to the Petitioner and permitting the subject property to be put to use as a laboratory in terms of the proviso to Section 14 of the Delhi Development Act, 1957 and in terms of the judgment dated 13.10.1995 passed by the of the Court of Learned Metropolitan Magistrate in SI No. 94/92; and'

The learned counsel for the NDMC has shown me the orders dated 15.12.2017 and 28.01.2019 passed in W.P (C) No.4677/1985 by the Supreme Court, which inter alia, notes:-

'In view of the aforesaid, prima facie, we stay the operation of the order dated 23.01.2019 passed by the High Court of Delhi at New Delhi in LPA No.6/2019 and restrain the High Court to entertain any petition in connection with the matters relating to the Monitoring Committee, as these matters are to be heard by this Court only.

In view of above, this writ petition is dismissed with liberty to the petitioner to avail remedy available to him. No order as to costs.

YOGESH KHANNA, J.

APRIL 04, 2019

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