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

Date of Decision: 27th September, 2019

+ W.P.(C) 10316/2018

SANDEEP KUMAR

..... Petitioner

Through: Mr. Vivek Sharma with Mr. Mitesh Vaid, Advs.

versus

THE CHAIRMAN (NDMC) & ORS

..... Respondents

Through: Ms. Sriparna Chattergy &
Mr. Nirvikar Verma, Advs. for R-1 &
2.
Ms. Pushti Gupta, Adv. for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

1. This Public Interest Litigation has been preferred with the following prayers:

“(i) ISSUE an appropriate writ directing the respondents 1 and 2 to take action against the concerned officials who have illegally permitted the construction of building/restaurant & Bar "Ambrosia Bliss" in the absence of sanction plan from the concerned authority, in the name of the respondent No.3;

(ii) ISSUE an appropriate writ directing the respondents No.1 and 2 to take action against the concerned authority/official permitted the respondent No.3 to run the restaurant without valid health trade license.

(iii) PASS any other order or orders as this Hon'ble Court may deem fit under the circumstances of this case.”

2. Having heard learned counsels for both the sides and looking to the facts and circumstances of the case, it appears that as per submission of the counsel for respondents No.1 and 2, the restaurant and bar in question as stated in the aforesaid prayer clause has now closed down as it was not having health license.

3. In view of this submission, we see no reason to further monitor this case. Nonetheless, we hereby direct the respondents that the aforesaid restaurant and bar may not be made operational in future without proper licenses in accordance with law. We also direct the respondents No.1 and 2 that such type of situation could have been avoided by respondents No.1 and 2 in advance without there being any Public Interest Litigation. Their officers should have taken action on their own as part of their duties against such type of restaurant and bar which was running without having proper and legal license including the health license, etc. If there is any erring officer/official who was in connivance with the owner of such type of restaurant and bar, action should also be initiated against such type of officer/official by respondents No.1 and 2.

4. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 27, 2019/kks