

\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2008/2020**

NARAYAN KUMARPetitioner
Through: Mr Sudeep Sehgal, Advocate.

versus

**THE COMMISSIONER, MUNICIPAL
CORPORATION OF DELHI & ORS.** Respondents
Through: Mr Ajay Arora, Ms Namrata Mukim,
Mr Garima Jindal and Mr Kapil Dutta
Advocates for R-I,2 & 6/NDMC.
Mr Ashish Kumar, Advocate for Ms
Sangeeta Bharti, ASC for DJB/R-5.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **30.07.2020**

The hearing was conducted through video conferencing.

1. The affidavit stated to be filed by the Corporation is not on record. Let it be brought on record.
2. The learned counsel for the Corporation submits that the property of the petitioner does not abut a street on which mixed-land user is permitted, therefore he cannot be granted the benefit he seeks.
3. The Corporation further contends that the petitioner's property had been sealed by the Corporation. The petitioner seeks removal of the seal so that he can put the property to use. However, upon a recent inspection at the site, the Corporation found that the seal had been broken and the property was already put to use by the petitioner; the petitioner was found inside the premises. Therefore, he has not only

violated the law by breaking the seal but has also not come to the Court with unclean hands in the discretionary writ jurisdiction; he is guilty of making incorrect statements and not disclosing the entire facts.

4. However, the learned counsel for the petitioner refuted the said contentions. He submits that the seal was broken by some miscreants, who are inimical to the petitioner. It is alluded that employees of the corporation themselves have done so, only to implicate the petitioner. The petitioner has disclosed the factum of breaking open of the seal in Annexures 7 and 9 of petition. Therefore, there is *ex facie* no suppression of facts by him.
5. Be that as it may, the legal status of the property is that it is 'sealed'. If at site the seal is found broken, the Corporation shall now put its seal again on the said property by tomorrow. Till the issue of its user is determined in terms of the MOUD Notification No.S.O.2034 (E) dated 12.08.2008 and hence the issue of electricity connection to the premises does not arise.
6. The petitioner's grievance is that his representation seeking the benefit in view of the aforesaid Notification (Annexure XII) is still pending with the Corporation. Within two weeks from today, the petitioner's application/representation shall be disposed-off, after giving him an opportunity of being heard. This petition too shall be considered representation. The decision shall be communicated to the petitioner in week thereafter.
7. The petition is disposed-off in the above terms.
8. The order be uploaded on the website forthwith. Copy of the order

be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 30, 2020/*rd*