

\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 4172/2020

GANGA PRASAD PURI & ORS.

.....Petitioners

Through: Mr T.K. Ganju, Senior Advocate with
Mr Aquib Ali, Advocates.

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ANR.**

..... Respondents

Through: Mr Siddhant Nath, Advocate for
NDMC/R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

14.07.2020

1. The hearing was conducted through video conferencing.

CM APPLN. 15019/2020 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed off.

W.P.(C) 4172/2020 & CM APPLN. 15018/2020 (Interim relief)

3. Issue notice.
4. Notice is accepted by the learned counsel for the respondent- North Delhi Municipal Corporation.
5. With the consent of the parties, the petition is taken up for disposal.
6. In this petition, the petitioners seek the following reliefs:

“a) *Declare the action of sealing of the property i.e. basement of the premises no. C-42, Mansarovar Garden, New Delhi by the Respondents as illegal and consequently, pass an appropriate order or direction in the nature of mandamus against the*

respondents to de-seal the property.

b) Further, Pass an order I direction against the Respondents to treat the present Writ Petition as a representation and direct the respondents to pass an appropriate thereon after giving due opportunity to the petitioners to be heard and further, direct the respondents not to seal the property.

c) Pass an order against the Respondents directing them to pay the compensation at least for the sum of Rs.10,80,000 f- to the petitioners.”

7. The learned counsel for the Corporation submits that notice had been issued to the petitioners for misuser of the property i.e. basement of the premises bearing number C-42, Mansarovar Garden, New Delhi and the said property had been sealed on account of misuse. The petitioners' earlier representation to the Corporation is under consideration and a decision thereon shall be communicated to them within four weeks from today.
8. In view of the above, this petition shall be treated as the petitioners' additional representation to the Corporation on which appropriate action/decision shall be taken and communicated to the petitioners within the aforesaid period i.e. four weeks from today, after affording an opportunity of hearing to the petitioners. The Corporation shall also indicate in its decision as to why it has not responded to various representations for the past three years, ever since the property has been sealed and if there is a delay on behalf of the Corporation, responsibility shall be affixed by the Deputy Commissioner concerned, within three months from today and an affidavit shall be filed. List for compliance after three months .

9. The petition along with pending application stands disposed-off in terms of the above.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 14, 2020/rd