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

+ W.P.(C) 12979/2019

BALJINDER SINGH

..... Petitioner

Through Mr.Mukesh Sachdeva, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through Ms.Jyoti Taneja, Standing counsel for
North DMC

Mr.Mohit Agarwal, Adv. for R-2 and R-3

Mr.Shiv Charan Garg, Adv. for Objector

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **31.01.2020**

1. This petition is filed by the petitioner seeking an appropriate direction and to direct the respondent to stop the operation of the hotels which are running in Delhi without following the due process of law.
2. A perusal of the petition shows that the petitioner states to be a resident of Sector 65, Noida, U.P. In the Writ Petition reference is made to a fire that erupted in Hotel Arpit Palace at Karol Bagh in February 2019. Thereafter allegation is made that there are hotels in Paharganj in every lane. Reference is made to one hotel, namely, Hotel Nitya Maharani situated at Plot No.XV/7884/1, Plot No.27, Arakashan Road, Nai Basti, Paharganj, New Delhi. It is pleaded that the fire department cannot grant license to such a hotel. Reference is also made to a property 8653 to 8664, Ward No.XV, Plot No.16, Araksashan Road, Arya Nagar, Paharganj, New Delhi which is being operated as Hotel Blue Pearl.
3. Learned counsel has entered appearance for Mr.Ashish Ganotra who

is said to be a partner of the Hotels in question, namely, Hotel Blue Pearl and Hotel Nitya Maharani. It is pleaded that this is a motivated petition as the petitioner is residing in Noida and he has reached to Paharganj to file a Writ Petition pertaining for only two specific hotels, allegedly not complying with the legal provisions. It is pleaded that for said hotels are complying with the statutory provisions and there are hundreds of hotels in Paharganj that are similarly situated. It is pleaded that a Civil Suit has been filed by the said Shri Ashish Ganotra against the petitioner for recovery of money and for permanent injunction and recovery of Rs.11,83,480/- which is pending before Tis Hazari Courts. It is submitted that this is a counterblast to the aforesaid civil dispute pending between the parties.

4. Learned counsel for the petitioner is, however, unable to explain about the pendency of the aforesaid suits. He submits that he has no instructions in this regard. It is clear that material facts have been withheld from the court.

5. A civil dispute is pending between the petitioner and the owner of the two hotels in question against which action is being sought by the petitioner. Petition is motivated being a counter blast to the civil proceedings. There is no reason for this court to exercise discretion in favour of the petitioner.

6. Petition is dismissed.

JAYANT NATH, J

JANUARY 31, 2020

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