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

Date of decision: 12th February, 2020

+ W.P.(C) 13855/2018 and CM Nos.54130/2018, 3448, 8192/2019

AMBA PRASAD JADAVJEE & CO Petitioner

Through: Mr. Hrishikesh Chitale and Mr.
Daksh Wadhawan, Advs.

Versus

NORTH DELHI MUNICIPAL CORPORATION.. Respondent

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Mayank Ahuja, Adv. for
respondent no. 1
Mr. Rajiv Bansal, Sr. Advocate with
Ms. Prabhsahay Kaur, Standing
Counsel, Ms. Parul Panthi, Ms. Shruti
Gala and Mr. Anant Nigam, Advs. for
DDA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **12.02.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 13855/2018

1. Learned counsel for the petitioner submits that suffice it would be for disposal of this petition if this Court gives suitable directions to respondent

no. 1 to decide the show cause notice dated 15th January, 2018 in accordance with law, rules, regulations, Government policies as applicable to the facts of the case and also as per the Master Plan for Delhi, 2021, especially Claus 6.1 thereof.

2. Having heard counsel of both the sides and looking to the facts and circumstances of the case, it appears that respondent no.1 had issued a show cause notice dated 15th January, 2018. Initially, the writ petition was preferred challenging the said show cause notice. Now, the prayer 15(a) of this writ petition is amended and the petitioner is in search of “consequential relief”. As per the amended prayer, the petitioner is in search of directions from this court to respondents for not sealing the premises in question. Looking to this aspect of the matter and also the order dated 14th October, 2019 passed by this Court in WP(C) no. 13833/2018, we hereby direct the respondent no. 1 to decide the show cause notice dated 15th January, 2018 issued to the petitioner, in accordance with law, rules, regulations, Government policies as applicable to the facts of the case and also as per the provisions of the Master Plan for Delhi, 2021. Learned counsel for the petitioner is pressing reliance on Clause 6.1 of the Master Plan for Delhi, 2021, which will be appreciated by the respondent no. 1 along with other aspects of the matters while taking the decisions, after giving adequate opportunity of being heard to the petitioner. We hereby direct the petitioner to approach the Deputy Commissioner, City - Special Zone, North Delhi Municipal Corporation on 24th February, 2020 between 11 am to 1 pm and thereafter, if required, the concerned officer can give a suitable date and time to the petitioner for further hearing. If this petitioner fails to attend the hearing before the concerned respondent authority, the respondent no. 1 is

permitted to decide the matter *ex-parte*, after giving one or two adjournments.

3. With these observations, this writ petition is hereby disposed of.

CM Appl. Nos.54130/2018, 3448/2019, 8192/2019

In view of the order passed in the writ petition, these applications are disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 12, 2020

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