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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 41/2021**

Date of Decision: 28th January, 2021

DEPUTY SECRETARY (COMMITTEES) Appellant
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Gautam Narayan, Advocate

versus

RAJDUT GEHLOT Respondent
Through: Mr. Sanjay Poddar, Sr. Advocate with
Mr. Sanjeev Sagar, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 2924/2021 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**LPA 41/2021 & CM APPL. 2922 (Stay) & 2923/2021 (Permission to file a
lengthy List of Dates)**

1. Feeling dissatisfied by an interim order of the learned Single Judge dated 23rd December, 2020 in W.P.(C) 10927/2020, original respondent No.1 has preferred the present appeal.
2. Learned Senior counsel appearing for the appellant (original respondent No.1) submits that the learned Single Judge should not have

interfered with the notice issued by the Committee seeking information / data from the South Delhi Municipal Corporation. Learned Senior Counsel appearing for the appellant while placing reliance on Article 208(1) of the Constitution of India and Rule 160 of “Rules of Procedure and Conduct of Business in the Legislative Assembly of the National Capital Territory of Delhi, 2013” (appended at page no.105 of thispetition) submits that learned Single Judge has no power, jurisdiction and authority to interfere with the notice calling for information by the Committee in question apart from the fact that the petitioner had no locus standi to even file the said petition. Thus, according to the appellant the learned Single Judge should not have stayed the operation of the impugned notice dated 04.12.2020 in the writ petition.

2. Having heard learned Senior Counsel for the appellant/original respondent no.1, we are of the view that the contentions raised in the present appeal are open to be raised by the appellant before the learned Single Judge and needless to state if and when raised, shall be decided by the learned Single Judge in accordance with law and keeping in view the facts of the case.

3. It also needs to be highlighted that one of the substantive prayers in the writ petition is a challenge to the notice dated 04.12.2020 and in case this Court interferes with the impugned order, it would amount to deciding the writ petition in part, while the same is still pending for adjudication. The impugned notice dated 4th December, 2020, which is at Annexure P-1 to the memo of the writ petition, has been stayed onlytill the next date of hearingi.e. 9th February, 2021 and it is open to the appellant herein to seek hearing of the petition on the said date.

4. Looking at the nature of relief sought, we request the learned Single Judge to expedite the hearing of W.P.(C) 10927/2020 and the counsels for the parties have assured that they shall not seek unnecessary adjournment so that the matter can be heard on the next date of hearing.
5. With these observations, the appeal is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 28, 2021

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