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

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Judgment delivered on: 08.04.2021

+ W.P(C) 4416/2021 & CM APPL. 13513-14/2021

DISHA GARG

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner: Mr. Saurabh Dev Karan Singh, Advocate.

For the Respondent: Mr. Ranjeet Pandey, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner is aggrieved by notice dated 26.03.2021 under Section 345-A of the Delhi Municipal Corporation Act, 1957 directing petitioner to stop the misuse allegedly being carried out in basement of property No.W-20, Green Park Main, New Delhi-110016.
2. It is contended that the said portion is allegedly being used for commercial purposes under the name and style of M/s. Disha Creations and office of M/s. Nyassa AstroCorp Pvt. Ltd.
3. Learned counsel for the petitioner submits that petitioner is not running any commercial activity from the basement. He further

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to HMJ Sanjeev Sachdeva.

W.P(C) 4416/2021

submits that only half of the basement of the subject property is in the possession of the petitioner, which is being used as storage for the purposes of storage of household articles etc. He submits that petitioner does not carry out any commercial activity in the said basement.

4. He submits that subject notice was issued without giving an opportunity to the petitioner to show cause or to even file a response to satisfy the Corporation that the basement is not being misused.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

6. Learned counsel for the respondent concedes that no show cause notice was issued to the petitioner prior to issuance of the impugned notice.

7. In view of the above, it is directed that the impugned notice dated 26.03.2021 shall be treated as a show cause notice to the petitioner. Petitioner shall file a response to the show cause notice within a period of one week from today.

8. Respondent shall thereafter dispose of the show cause notice by a speaking order and after giving an opportunity of hearing to the petitioner.

9. It is directed that any further coercive action would be subject to orders to be passed by the respondent on the show cause notice.

10. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either parties. All rights and contentions of parties are reserved.

11. In case petitioner is aggrieved by any subsequent order to be passed by the respondent, petitioner would be at liberty to avail of his remedies in accordance with law.

12. Petition is disposed of in the above terms.

13. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J.

APRIL 08, 2021/rk

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