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

% *Decided on: 18th January, 2021*

+ LPA 293/2020 & C.M.No.25388/2020 (*directions & stay*)

NORTH DELHI MUNICIPAL CORPORATION Appellant

Through: Mr.Akhil Mittal, with Mr.Divya
Prakash Pandey, Standing Counsels.

Versus

VIKAS GOEL AND OTHERS Respondents

Through: Mr.Somya Singh, Advocate with
Ms.Sumera Anjum & Mr.Mohd.Juned, Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. Being aggrieved and feeling dissatisfied by the judgment and order passed by the learned Single Judge dated 5th October, 2020 in W.P.(C) No.7478/2020, the original respondent in the said writ petition has preferred the present appeal.

2. We have heard learned counsel for the appellant and looked into the facts and circumstances of the case. The appellant vide order dated 29th September, 2020 had suspended the petitioners from the meetings of the Corporation for a period of 15 days, exercising power under Section 79(3) of the Delhi Municipal Corporation Act, 1957 and this order was assailed in the writ petition.

3. Writ petition was disposed of by the learned Single Judge vide order

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dated 5th October, 2020. The learned Single Judge recorded the statement of the counsel for the appellant, on instructions, that the Meeting of the House was not scheduled to be held on 6th October, 2020 and was deferred till 15th October, 2020. Learned Single Judge observed that from the course of action proposed by the appellant herein, the right of the original petitioners to espouse their cause before the House would remain unaffected and at best the notice of suspension would be treated as first suspension under Section 79(2) of the Delhi Municipal Corporation Act, 1957 and since period of 15 days would have expired by the end of the period for which the meeting was deferred, the petition would become infructuous.

4. From the conspectus of facts and circumstances, it is evident that the effect of the impugned order, which was in force, for 15 days, with effect from 29th September, 2020 has come to an end by efflux of time. Hence, the issue with regard to the power of the Appellant under Section 79(3) of the Delhi Municipal Corporation Act, 1957 is only academic.

5. This appeal is accordingly disposed of as infructuous keeping the question of the power of the appellant under Section 79(3) of the Delhi Municipal Corporation Act, 1957 open. As and when such question arises in future in any other litigation, the same shall be decided in accordance with law, Rules, Regulations and the facts of the said case.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 18, 2021

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