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

+ **W.P.(C) 2843/2024 & CM. APPL. 11686/2024**

RAVI KUMAR SINGHLA

..... Petitioner

Through: Mr. Avadh Kaushik, Ms. Saloni Mahajan, Mr. Prateek Goyal and Mr. Rishab Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR. Respondents

Through: Mr. Pritish Sabharwal, Mr. Sanjeev Sabharwal, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **26.02.2024**

1. The present petition has been filed by the petitioner assailing the Show Cause Notice dated 23.02.2024 issued by the respondent no.2. The said notice reads as under:-

“Whereas, Apex Court has directed repeatedly industrial/commercial units operating in non-confirming/residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/shifted. And the Hon’ble NGT also issued various directions in this regard.

And whereas, pursuant to the aforesaid directions and to also comply with the urge of DPCC vide letter No. DPCC/CMC-V/Misc./2023/60-66 dated 26.04.2023 which is received from Department of Environment, Govt. of NCT of Delhi, 6th Level, C-Wing, Delhi Secretariat, New Delhi-110002 to take immediate action against Jeans Dyeing Units operating in Non-conforming areas. The Owners/Occupiers of the premises are directed to stop such type of misuse, which are not covered within the ambit of Master Plan – 2021.

And whereas, it has been brought to my notice that the above mentioned property being used for running, the trade/unit as STORAGE OF CHEMICAL in total violation of the above directions and permissible use of the said property, as per the Master Plan-2021/Zonal Plan.

Now, therefore, the undersigned, after considering the reports placed before me, hereby direct you to stop the misuse and bring the premises within the permitted use as per Master Plan – 2021 within 48 hours and also



file an affidavit reporting compliances in prescribed format, failing which action will be initiated as per DMC Act under Section 345-A/347, read with section 491 of the Act and rules made there under and the premises will be sealed without any further notice. ”

2. It is submitted by the learned counsel for the petitioner that a General Trade/Storage license dated 06.11.2023 has been issued by the respondent no.1 in favour of the petitioner. It is further submitted that the use of the concerned premises by the petitioner as a godown for storing lubricant oil is consistent with the permissible use of the said property.
3. Issue notice.
4. Learned counsel as aforesaid accepts notice on behalf of the respondent no.1.
5. Learned counsel for the respondent no.1 submits that it is incumbent upon the petitioner to file a response to the impugned Show Cause Notice dated 23.02.2024. It is further submitted that necessarily, the reply/response to be filed by the petitioner shall be duly considered, before taking any further action.
6. After some hearing, respective counsel for the parties are in agreement that pursuant to the aforesaid show cause notice dated 23.02.2024, an opportunity of hearing shall be afforded to the petitioner by the concerned Deputy Commissioner, Narela Zone, MCD on 28.02.2024 at 2.30 PM and a reasoned order shall be passed thereafter, taking into account the reply submitted by the petitioner to the aforesaid show cause notice and submissions that may be made by the petitioner during the course of hearing. It is directed accordingly. Needless to say, requisite action in accordance with law shall be taken by the respondent thereafter.
7. The petitioner shall also be at liberty to avail appropriate legal



remedies as may be available to him under the law, upon conclusion of the aforesaid exercise.

8. The petition stands disposed of in the aforesaid terms. The pending application/s also stand disposed of.

9. Copy of this order be given *dasti* under the signature of Court Master.

SACHIN DATTA, J

FEBRUARY 26, 2024/AT