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

+ **W.P.(C) 3062/2024, CM APPL.12591/2024 (Stay)**

ROOPA CHAWLA

..... Petitioner

Through: Mr. Rizwan, Ms. Sachi Chopra and
Ms. Nistha Sinha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Mr. Chetanya Singh and Mr. Chetan
Sharma, Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

29.02.2024

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CM APPL.12590/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3062/2024

1. The present petition has been filed by the petitioner on the apprehension that coercive steps shall be taken by the respondent/MCD against the petitioner pursuant to the show cause notice dated 26.12.2023 without affording an opportunity of hearing to the petitioner and/or an opportunity to submit relevant documents to allay the concerns of the respondent/ MCD. The said show cause notice reads as under :-

*“MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE E.E. (BLDG.)-II, WEST ZONE
Sahib Singh Verma Nigam Bhawan
Shivaji Place, Rajouri Garden, New Delhi*

No. D- / 118 /EE(B)-II/WZ/2023 Dated: 26/ 12/2023



**SEALING SHOW CAUSE NOTICE UNDER SECTION 345-A OF
DELHI MUNICIPAL CORPORATION ACT, 1957 (66 OF 1957)**

Whereas, the Hon'ble Supreme Court of India, in the matter of "MC Mehta Vs Union of India and others, vide its orders dated 16th February, 2006/24th March, 2006, directed to take sealing action against misusers. Whereas, pursuant to the aforesaid directions, the public/owners/occupier, in general by way of publication of a public notice in the leading newspapers, were advised to stop the misuse, which are not covered within the ambit of Master Plan- 2021 and bring the same within the ambit of law.

Whereas, it has been brought to the notice of the undersigned that the premises bearing No. 15/15A, Stilt, Tilak Nagar, New Delhi at the instance of Ms. Roopa, Owner/Occupier is being used in the style of Queen Gallery Shop which is in total violation of permissible/Sanctioned use of the said property and also against the Master Plan-2021/Zonal Plan/Sanctioned Plan, which amounts to misuse of premises.

Now, therefore, the undersigned, Deputy Commissioner, West Zone of the Municipal Corporation of Delhi, New Delhi, in exercise of powers vested in me u/s 345A of the DMC Act, read with Section 491 of the Act and the rules made there-under and after considering the reports placed before me, hereby directs you to bring it within ambit of law within 48 hours and also file an affidavit in the prescribed format, failing to which the said premises under reference will be sealed without any further notice to you.

*Sd/-
DY. COMMISSIONER
WEST ZONE, MCD*

*Ms. Roopa, Owneer/Occupier
Queen Gallery Shop
Property No.15/15A, Stilt,
Tilak Nagar, New Delhi.”*

2. Learned counsel for the respondent/MCD submits, on instructions, that before taking any action pursuant to the aforesaid show cause notice, an opportunity shall be given to the petitioner to file response thereto alongwith necessary documents, and an opportunity of hearing shall also be afforded. He further submits that a speaking order shall be issued prior to taking any action pursuant to the said show cause notice.



3. The above statement on behalf of the respondent/ MCD, is taken on record.
4. Considering the aforesaid, no further orders/s are required to be passed in the present petition, and the same is accordingly, disposed of.

SACHIN DATTA, J

FEBRUARY 29, 2024/r