



\$~63

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

+ **W.P.(C) 7417/2021 & CM APPL 23351/2021**

ROHIT SAKHUJA & ANR.

.....Petitioners

Through: Mr. Ashish Batra, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Manu Chaturvedi, SC for MCD
with Ms. Devika Singh Roy, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

20.08.2024

1. The petitioners have filed the present writ petition for quashing of the vacation order dated 23.07.2021, wherein, the petitioners have been directed to vacate the premises in the Municipal Market at Saraswati Marg, Gaffar Market, Karol Bagh, New Delhi.
2. The learned counsel for the petitioners submit that the order was passed based on the report by the IIT, Roorkee and the petitioners were not given any opportunity of hearing.
3. The respondent-Corporation in its counter affidavit has stated that a joint meeting as well as several individual meetings were conducted with different sets of shopkeepers, lease holders and license holders of the shops, wherein, the demands/proposals of the petitioners could not be acceded to because it would have amounted to an overhaul of the license agreement signed by the respondent-Corporation with the shopkeepers.



4. At this stage, it would be appropriate to take note of the fact that the Association of leaseholders has already filed a civil suit i.e., CS No.1570/2021 before the Court of ASCJ (Central)/ Delhi, where the relief prayed in the instant petition is also the subject matter. The petitioner is a member of the said Association.

5. It is thus seen that two parallel proceedings for the same relief may not be admissible in law.

6. Reserving all rights and contentions in favour of the respective parties, the instant petition stands disposed of at this stage. Pending application is also disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 20, 2024/p