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

+ **W.P.(C) 10776/2024 & CM APPL. 44355/2024**

KAMAL KUMAR SEHGAL

.....Petitioner

Through: **Mr. Lakshay Sawhney and
Mohammad Huzaifa, Advocates**

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: **Mr. Dhruv Mohan, Ms. Madhu
Vishnoi and Ms. Tarana Khan,
Advocates for NDMC**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

05.08.2024

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1. The present revision petition is filed on behalf of the petitioner under Article 226 of the Constitution with the following prayers:-

- a) **direct the Respondents to carry out the direction in the operative portion of Order dated 22.4.2024 passed by Ld. Estate Officer, NDMC in Case No.42/87/07/E.O, within a period of 10 days from the date of passing of order by this Hon'ble Court;**
- b) **or in the alternative, this Hon'ble Court may be pleased to itself direct the NDMC to revoke the cancellation letter/order dated 25.09.2006 in respect of licence of Stall No.12, Malcha Marg, New Delhi**
- c) **Pass any other and further orders as this Hon'ble Court may deem fit, just and proper in the present facts and circumstances of the case and in the interest of justice;**

2. The petitioner was granted license by the respondent no. 1/NDMC to run a stall bearing no. 12 situated at Malcha Marg, New Delhi w.e.f. 04.02.1988 for sale of non-licensable and miscellaneous trade. The



respondent no. 1 vide order dated 25.09.2006 purported to have cancelled the license of the stall bearing no. 12 granted to the petitioner and other stall holders. The petitioner being aggrieved along with other aggrieved stall holders, filed writ petitions bearing W.P.(C) no. 15652-80/2006, which was disposed of vide order dated 11.01.2008. The respondent no. 2 subsequently in case bearing no. 42/87/07/EO dated 03.09.2007 titled as **New Delhi Municipal Corporation V Kamal Kumar Sehgal** passed the final order and para no. 13 of the order dated 22.04.2024 is reproduced as under:-

13. Therefore, in exercise of the powers conferred on me under Sub Section (I) of Section 5 and Sub Section (2) and (2A) of the Section 7 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971, the application/petition of the petitioner is dismissed. Further the petitioner is directed to place the matter before their Competent Authority for revocation of cancellation orders in respect of Stall No. 12, Malcha Marg, New Delhi and also for consideration of regularization the licence in the name of Sh. Kamal Kumar Sehgal subject to clearance of all the dues to the petitioner and rectifications of all violations, if any by the respondents. This action be completed by the petitioner within a period of one month from the date of issue of these orders.

3. Mr. Lakshay Sawhney, Advocate for the petitioner stated that the respondent no. 1 in pursuance of order dated 22.04.2024 passed by the respondent no. 2, has not initiated appropriate steps for revocation of the cancellation order in respect of the stall no. 12, Malcha Marg, New Delhi and also for consideration of regularisation of license in the name of petitioner.

4. Mr. Dhruv Mohan, Advocate appearing on behalf of the respondents, on being asked whether the respondent no. 1 has initiated further legal remedies to impugn the order dated 22.04.2024, stated that as per the



instructions, the process for further remedy to impugn the order dated 22.04.2024 has already been initiated.

5. It is expected that the respondent no. 1 shall follow/execute the directions given in para no. 13 of the order dated 22.04.2024 in accordance with law or shall be taking appropriate steps to impugn the order dated 22.04.2024 in accordance with law.

6. No further direction is called for in the present petition. Accordingly, the present petition along with pending application, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

AUGUST 5, 2024

N/ABK