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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1410/2024**

SHIV MARKET FAL SABZI VIKRETAPetitioner

Through: Mr. Ashutosh Thakur, Mr.
Prabhat Ranjan Raj, Mr. Anil
Kumar, Mr. Gunesh Ranjan,
Mr. Manoneet Dwivedi, Advs.

versus

SUBHASISH PANDA & ANR.Respondents

Through: Ms. Manika Tripathy, Standing
Counsel with Mr. Barun Dey,
Adv. for R-1/DDA
Mr. Varun Chandiok, Mr. Alok
Kumar and Ms. Anubhi Goyal,
Advs. for MCD

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+ **W.P.(C) 9116/2023 and CM APPL. 35566/2024, CM APPL.
36860/2024, CM APPL. 45939/2024, CM APPL. 51725/2024**

SHIV MARKET FAL SABZI VIKRETAPetitioner

Through: Mr. Ashutosh Thakur, Mr.
Prabhat Ranjan Raj, Mr. Anil
Kumar, Mr. Gunesh Ranjan,
Mr. Manoneet Dwivedi, Adv.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Manika Tripathy, Standing
Counsel with Mr. Barun Dey,
Adv. for R-1/DDA
Mr. Varun Chandiok, Mr. Alok
Kumar and Ms. Anubhi Goyal,
Advs. for MCD

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

27.09.2024

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CONT.CAS(C) 1410/2024

1. In the aforesaid writ, the petitioner is claiming to be a registered society, whose members are running the business of selling Fish and Chicken in the DDA Main Market, Dabri More, Palam Road, New Delhi.

2. Initially, the grievance of the petitioner was that a demolition order dated 20.06.2023 had been passed by the respondent/DDA, which came to stay by this Court in the present writ proceedings *vide* order dated 06.11.2023.

3. The petitioner then again approached this Court agitating that they had been served with the Closure Notice dated 24.06.2024 by the respondent No.2/MCD, while their applications for seeking licence from the Health Department were pending for consideration. Accordingly, having regard to the facts and circumstances of the case, this Court *vide* order dated 26.06.2024 directed that in the meanwhile, the operation of the impugned closure notice shall remain in abeyance.

4. However, as pointed out by learned counsel for the respondent no.2/MCD, it appears that there has been gross suppression and concealment of facts on the part of the petitioner society, to bring to the notice of this Court that a co-ordinate Bench had passed certain directions on the same subject in W.P. (C) No. 8206/2023 on 15.05.2024, which are as under:-

“3. Considering the aforesaid status report of the MCD, and the submissions of respective counsel, the following directions are issued:

(i) The MCD is directed to take action against the meat shops, which are operating without possession of any licence under the Veterinary Meat Trade Policy of MCD. Let the MCD identify the said meat shops and take requisite action in respect of such shops, within a period of three weeks from today. MCD is directed to take requisite steps in accordance with its policy and also as mandated under the MCD Act.



(ii) The DDA is directed to expeditiously adjudicate the show cause notices, stated to have been issued on 12.04.2024 to the shop owners of the locality, preferably within a period of four weeks from today.”

5. Thus, unhesitatingly, the Closure Notice which has been assailed before this Court in W.P.(C) No. 9116/2023 was evidently issued in terms of the aforesaid directions passed in W.P.(C) No. 8206/2023. It is also pointed out that the petitioner society was also arraigned as one of the respondents in the aforesaid W.P.(C) No. 8206/2023.

6. It is pertinent to mention here that Mr. Vinod Kumar, who is one of the members of the petitioner society, had also moved an application bearing CM APPL. No. 34745/2024 in the pending writ i.e. W.P.(C) No. 8206/2023, whereby he sought to be impleaded as one of the respondents and yet, the aforesaid directions passed on 15.05.2024 were not brought to the attention of this Court, which led to passing of a conflicting order dated 26.06.2024 on the subject.

7. In view of the above, the order dated 26.06.2024, is hereby recalled and the present Contempt Petition is dismissed.

8. Before parting with this cases, it may be noted that although learned counsel for the respondents urged that action should be taken against the petitioner and its members for misrepresenting the facts before this Court, however, considering that they are illiterate persons and have been uprooted from their established business, I do not wish to proceed against them. In fact, the blame squarely lies on the shoulders of the counsels for the petitioner, who have misguided them.

9. The Contempt Petition stands disposed of accordingly.

W.P.(C) 9116/2023

10. Insofar as the present writ petition is concerned, it was urged by



the learned counsel for the petitioner that there is an issue about relocation of the members of the petitioner to some other convenient places and they would be knocking at the doors of the DDA in that regard, the present writ petition may also be dealt with by the Court, which is hearing the matter in W.P. (C) 8206/2023. Hence, in order to avoid parallel proceedings and passing of conflicting orders/judgments on the matters in issue, the present writ petition may be placed before the concerned Court along with W.P. (C) 8206/2023, subject to the orders of Hon'ble the Acting Chief Justice on 01.10.2024.

DHARMESH SHARMA, J.

SEPTEMBER 27, 2024

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