



\$~104

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 241/2024 & CM APPL. 8185/2024, CM APPL. 8205/2024**
SANTOSH KUMARI Petitioner

Through: Mr. O.P. Gupta, Advocate

versus

GYANESH BHARTI Respondent

Through: Mr. Dhanesh Relan, SC for MCD
with Mr. Arindam Dey, Mr. Aditya
Pandey, Ms. Brinda Batra, Advocates
for MCD (M:9910247777)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **12.02.2024**

CM APPL. 8205/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CM APPL. 8185/2024 (For Condonation of Delay)

3. The present is an application seeking condonation of delay in re-filing the petition.
4. Considering the averments made in the application, the delay of 10 days in re-filing the present petition is condoned.
5. Application is disposed of, accordingly.

CONT.CAS(C) 241/2024

6. The present petition has been filed alleging willful disobedience of the



order dated 22nd February, 2023 passed in *W.P.(C) 14426/2022*. The said writ petition had been filed by the petitioner seeking de-sealing of the property bearing no. D-97, Lord Krishha Road, Adarsh Nagar, Delhi. By the aforesaid order dated 22nd February, 2023, the writ petition was disposed of with directions to the respondent to treat the said petition as representation of the petitioner and to decide the same within a period of four weeks.

7. It was further directed that the undertaking given by the petitioner with respect to the stoppage of the alleged misuse of the subject property in violation of MPD-2021, was required to be considered, at the time of deciding the representation.

8. Learned counsel for the petitioner submits that the aforesaid order was not complied with earlier. However, after filing of the present petition, the petitioner has received a copy of the speaking order dated 19th December, 2023 issued by the office of the Deputy Commissioner, Civil Lines Zone, Municipal Corporation of Delhi (“MCD”).

9. Per contra, learned counsel for respondent- MCD submits that the speaking order in compliance of the directions passed by this Court had been issued on 19th December, 2023 and copy of the same was also supplied to the petitioner.

10. Learned counsel for respondent- MCD has handed over a copy of the said speaking order dated 19th December, 2023 issued by the Office of Deputy Commissioner, Civil Lines Zone, MCD. The same is taken on record.

11. By the aforesaid speaking order dated 19th December, 2023, the application/representation of the petitioner for de-sealing of the subject property has been held to be non-maintainable and has been dismissed.



12. Accordingly, it is held that the respondent has complied with the directions issued vide order dated 22nd February, 2023.
13. Liberty is granted to the petitioner to challenge the aforesaid speaking order dated 19th December, 2023, in accordance with law.
14. With the aforesaid directions, the present petition is disposed of.

FEBRUARY 12, 2024/au

MINI PUSHKARNA, J