



\$~42

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

+ W.P.(C) 947/2025

RANJEET MISHRA

.....Petitioner

Through: Mr. Amit Kr. Jain, Adv. for applicant.
versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Dhruv Rohatgi, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **24.01.2025**

CM APPL.4662/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 947/2025 and CM APPL.4663/2025 (Stay)

3. The present petition has been filed by petitioner seeking quashing of the order dated 13.01.2025, passed by the respondent whereby the petitioner has been directed to close his tea shop in SDM, Seelampur Court Complex, GT Road, Seelampur, Delhi-110053.
4. It is submitted by learned counsel for the petitioner that the petitioner has been running the said tea stall since 2011 to earn his livelihood and to support his wife and three minor school going children.
5. It is pointed out that as far back as on 20.01.2014, the President of the Seelampur Bar Association wrote a letter to the respondent (SDM, Seelampur) for allotment of a tea stall in the Seelampur Court Complex which was duly received by the respondent on 21.01.2014. Thereafter, the petitioner has been uninterruptedly operating the tea stall in the name of M/s



Keshav Tea Stall.

6. It is submitted that on 09.10.2024, a notice was sent by the respondent vide F. No.SDM/S.PUR/2024/8951 to the petitioner alleging that the tea shop was being run unauthorizedly by the petitioner. The same was duly replied to by the petitioner. The said notice dated 09.10.2024 reads as under:

“F.No. SDM/S.PUR/2024/8951

Dated: 09.10.2024

NOTICE

Frequent complaints are being received regarding unauthorized operation of tea shop, which is functioning from the SDM Seelampur Court Complex, GT Road, Seelampur, Delhi-53.

It has been informed that Sh. Ranjeev Mishra, tea seller is being run a tea shop in the Seelampur SDM Court complex without the necessary authorization.

Sh. Ranjeet Mishra is here by directed to appear before the undersigned latest by 15.10.2024, along with relevant documents and submit in writing, whether he has been allotted the said place and whether he has been granted proper permission by the competent authority for carrying on these activities from the present place of business in the SDM Office Court Complex Seelampur or not in case of failure to provide the reply /documents appropriate action will be taken against the said Sh. Ranjeet Mishra including removal from the existing place and business in the SDM Seelampur office Court complex.

(NITESH SINGH RAWAT)
SDM (SEELAMPUR)”

7. It is evident from the above that the petitioner was afforded an opportunity to appear before the SDM, Seelampur, latest by 15.10.2024, pursuant to the aforesaid notice. However, it appears that no specific date was fixed for appearance of the petitioner.

8. A reply dated 23.10.2024 was submitted by the petitioner wherein the relevant factual background was set out. It was pointed out that the



petitioner has been catering to the requirements of the Seelampur Court Complex for more than a decade. The letter written by the President of the Seelampur Bar Association to the SDM as far back as on 2014 was also referred to in the said letter.

9. It appears that thereafter, without affording an opportunity of hearing to the petitioner, the impugned letter dated 13.01.2025 was issued. The impugned order acknowledges that the petitioner was directed to “appear before the undersigned”, however, during the course of hearing today it is not disputed that in actual fact, the order was passed without affording an opportunity of hearing to the petitioner. Clearly, the impugned order is in disregard of the principles of natural justice.

10. Consequently, the impugned order is unsustainable in law. The same is accordingly, set aside.

11. It is made clear that in case any fresh action is sought to be taken by the concerned SDM against the petitioner, a Show Cause Notice, followed by an opportunity of hearing shall be afforded to the petitioner. The concerned SDM shall also take into account the peculiar facts and circumstances of the present case.

12. The present petition is disposed of in the above terms.

SACHIN DATTA, J

JANUARY 24, 2025/cl