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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4228/2024 & CM APPL. 18935/2024

BAL SAHYOG

..... Petitioner

Through: Mr. Jai Sahai Endlaw and Mr. Karan
Kumar, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

28.03.2024

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(The proceeding has been conducted through Hybrid Mode)

The matter has been received on transfer.

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

a. A Writ of mandamus quashing the Respondent's order dated 11.03.2024;

b. Direct the Respondent to refrain from taking any prejudicial action against the Petitioner qua the hoardings situated within the latter's premises without following due procedure prescribed by law;

2. Mr. Endlaw, learned counsel appearing for the petitioner submits by inviting attention of this Court to the order dated 22.04.2016 that by virtue of the said order, the learned Division Bench of this Court had directed that the petitioner could host and maintain the hoardings in question against which NDMC respondent



could not insist upon compliance of conditions (g) and (i) enumerated in the said order. It was also observed that condition (a) mentioned therein was already waived by the NDMC.

3. Mr. Endlaw, learned counsel appearing for the petitioner submits that learned Division Bench had taken note of the fact that the petitioner is a charitable organisation and the hoardings are one of the manner in which revenue could be generated by the petitioner to be used for education, daily sustenance and shelter of poor, abandoned and orphaned children. He submits that though the present writ petition was filed on 20.03.2024, however before it could be listed before the Court, the respondents had taken down the said hoardings on the basis of the impugned order dated 11.03.2024.

4. Learned counsel invites attention of this Court to paras 16 and 17 of the said impugned order to submit that the same would fall within the ambit of the order dated 22.04.2016 more particularly, clauses (g) and (i) enumerated therein. Other than that, according to Mr. Endlaw, there is no reasoning given as to why the impugned order was passed or hoarding taken down.

5. Having regard to the fact that paras 16 and 17 are already taken note of by learned Division Bench in the order dated 22.04.2016, nothing remains in the said order permitting the respondent NDMC to pull down the flex on the hoardings. In that view of the matter, Mr. Endlaw submits that there would be no impediment in directing the respondent to permit the petitioner to forthwith put up the hoardings so as to ensure that the revenue generation continues.

6. Issue notice through counsel appearing for the respondent who



shall take instructions in this regard.

7. Renotify on 01.04.2024 before the Roster Bench.

TUSHAR RAO GEDELA, J

MARCH 28, 2024/ns