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

+ **W.P.(C) 5600/2023, CM. APPLs. 21973-74/2023**

DARSHANA AGARWAL

..... Petitioner

Through: Mr.P.K.Dey, Sr.Advocate with
Mr.O.P.Faiz, Advocate alongwith
petitioner in person.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR....Respondents

Through: Ms.Puja Kalra, Standing Counsel
with Mr.Virendra Singh, Advocate
for respondent No.1/NDMC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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01.05.2023

1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks quashing of the order dated 17.04.2023 passed by the respondent wherein it has been stated that sealing action would be taken against the petitioner's property i.e. *B-4, Sagar Apartments, 6 Tilak Marg, New Delhi* (hereinafter referred to as the subject premises).
2. The Petitioner, who is present in person, submits that he is carrying out his professional activity as an Advocate from the subject premises for the last 23 years. He further submits that the impugned order has been passed in the teeth of the orders passed by the Supreme Court in W.P.(C) Nos. 325 and 326 of 2007 where, in fact, the Monitoring Committee in its Report No. 38 dated 21.07.2007 stated as under :-

"(e)- the Monitoring Committee submits to the Hon'ble Supreme Court that as per provisions of MPD-2021, professional activity is permissible in residential areas in all colonies in plotted development and group housing and in



residential colonies in NDMC area excluding government housing, institutional and staff housing of public and private agencies and buildings and precincts listed by the Heritage conservation committee. As regards LBZ area, it is submitted that para 15.3.2(5) excludes LBZ for notifying mixed use streets/stretchers and not for professional and other activity. In other words, professional activity in basements in Sagar Apartments in LBZ is permissible.... "

3. It is further submitted that the aforesaid facts were communicated to the respondent by the petitioner vide his reply dated 08.06.2015 however, the same were not appreciated. It is also submitted that the entire building is fire compliant and the petitioner has also installed Fire Fighting System in the subject premises.
4. Issue notice.
5. While disputing the aforesaid submissions made on behalf of the petitioner, Ms. Puja Kalra, learned ASC for the respondent accepts notice and submits that the present writ petition would be considered as a representation alongwith documents placed on record to examine the matter as to whether the petitioner would be entitled for protection under The Delhi Laws (Special Provisions) Act, 2006.
6. Learned counsel for the petitioner seeks some time to obtain instructions in this regard.
7. Renotify on 24.07.2023.
8. In the meantime, operation of the impugned order dated 17.04.2023 shall remain stayed till the next date of hearing.

MANOJ KUMAR OHRI, J

MAY 1, 2023/v