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

+ **W.P.(C) 843/2017**

SUNDER NAGAR ASSOCIATION

..... Petitioner

Through: Mr. P.S. Bindra, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Rakesh Mittal, SC with

Mr. Kamlesh Anand and Ms. Yamini Mittal,
Advocates for R-1/SDMC.

Mr. R.A. Iyer, proxy counsel for

Mr. Gautam Narayan, ASC for R-2 to R-4.

Mr. Manish Kumar from R-4/Delhi Fire Service.

Mr. Ripu Daman Bhardwaj, CGSC for R-5/UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **07.02.2017**

WP(C) 843/2017 & C.M. No. 3841/2017 (stay)

1. Learned counsel for the petitioner states he has filed an amended memo of parties and impleaded the restaurant owners as respondents No.6 to 11 in the present petition.

2. Learned counsel for the respondent No.5/L&DO states that in terms of a Notification dated 24.3.2006 issued by Ministry of Urban Development, Govt. Of India, the area that falls in the 'Sunder Nagar shops-cum-residence', apart from several other areas, have been transferred to the

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Municipal Corporation of Delhi. He therefore, states that it is now for the respondent No.1/SDMC to respond to the grievance raised by the petitioner in the present petition. The said document is taken on record.

3. Counsel for the respondent No.1 relies on a Circular dated 30.9.2011 issued by the then undivided civic authority namely, Municipal Corporation of Delhi, whereunder he states that all shops-cum-residential plots in approved layout plan have been designated as “Local Shopping Centre” on payment of conversion charges for the residential component, parking norms, etc. He hands over a copy of the said Circular which is taken on record.

4. Issue Notice.

5. Counsels for respondents No.1 and 2 to 4 and respondent No. 5 accept notice.

6. In view of the submissions made by counsel for the respondent No.5, for the present, L&DO need not file a counter affidavit.

7. The respondent No.1 shall conduct an inspection of the Sunder Nagar Market area, particularly, the premises of the respondents No.6 to 11 within four weeks and file a detailed counter affidavit within four weeks thereafter, placing on record the status of the said eateries , the sanctions, if any, accorded to them/the owners for undertaking fresh construction, the conversion charges, if any, demanded from them and the dates of raising the demand(s), the dates of payment etc. with a copy furnished to the learned counsel for the petitioner.



8. Learned counsels for the respondents No.2 to 4 shall also file their counter affidavits within the same timeline with copies to the learned counsel for the petitioner. Rejoinders, if any, be filed within two weeks thereafter.
9. Issue notice to respondents No.6 to 11, on filing of process fee by the petitioner within one week, by ordinary process and speed post, returnable before the Registrar for completion of service and pleadings on 17.4.2017.
10. The notices shall indicate counter affidavits shall be filed within four weeks, with copies to the other side. Rejoinders, if any, shall be filed within four weeks thereafter.
11. List in court on 12.7.2017.
12. Interim orders to continue till further orders.

HIMA KOHLI, J

FEBRUARY 07, 2017

ap/mk

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