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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, Advocate for R-1.
Mr. S. Banerji, proxy counsel for
Mr. Gautam Narayan, Advocate for R-2 to 6.
Mr. Ripu Daman Bhardwaj, Advocate for R-5.
Mr. P.V. Kapur, Sr. Advocate with
Mr. Manish Kumar and Mr. Nakul Jain, Advocates
for R-6 & 7.
SI Chander Shekhar, PS Hazrat Nizamuddin
Mr. Manoj K. Sharma, Asstt. Dir. Officer,
CP Fire Station.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **01.03.2017**

CM 8412/2017 (by R-6 & 7 u/Sec.151 CPC)

1. The present application has been filed by the respondents No.6 and 7 praying *inter alia* for recalling the orders dated 30.1.2017 and 7.2.2017.

2. Mr. Kapur, learned Senior Advocate appearing for respondents No.6 and 7 states that a counter affidavit has been filed in reply to the writ petition. It is the contention of the respondents No.6 and 7 that the writ petition is based on mis-leading facts and the relevant *W.P.(C) 843/2017*

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documents have not been placed before the Court, due to which the interim order dated 30.1.2017, reiterated on 7.2.2017, was passed.

3. Vide order dated 30.1.2017, the respondents were restrained from issuing fresh licences for running eateries or serving liquor in respect of the first floor and above of the properties that are a part of the Sunder Nagar Market area.

4. Mr. Kapur, learned Senior Advocate states that the respondents No.6 and 7 are operating eateries restaurant on the first floor and above in the Sunder Nagar Market area for which they have valid licences that will come up for renewal in the very near future. He requests that it be clarified that the order dated 30.1.2017 has been passed restraining the respondent/Government agencies from issuing fresh licences for running eateries or serving liquor in respect of the first floor and above of the properties situated in the Sunder Nagar market area and not for renewal of licences of the existing restaurants.

5. Notice. Counsel for the petitioner and the remaining respondents accept notice and states that they do not wish to file replies to the application.

6. For the reasons stated in the application, the same is allowed. The order dated 30.1.2017 is clarified to the extent that the respondents are restrained from issuing fresh licences for running eateries or serving liquor in respect of the first floor and above of the properties situated in the Sunder Nagar Market area but the said order shall not extend to the existing restaurants/eateries.

7. The application is disposed of.

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1. Mr. Kapur, learned Senior Advocate appearing for respondents No.6 and 7 requests that it would be appropriate if DDA is impleaded as a party in the present proceedings.
2. Amended memo of parties shall be filed by the petitioner by impleading DDA as a co-respondent within two weeks, with an advance copy to the other side.
3. Mr. Rakesh Mittal, Advocate, who is present in Court and is on the panel of DDA, is requested to enter appearance and accept notice on behalf of DDA. A complete set of the paper book be furnished to him within two days.
4. Counter affidavits be filed within four weeks, with advance copies to the other side, who may file rejoinders thereto within two weeks thereafter.
5. List before the Registrar on 17th April, 2017, the date already fixed, for completion of pleadings.
6. List in Court on 12th July, 2017, the date already fixed.
7. Interim order to continue.

HIMA KOHLI, J

MARCH 01, 2017

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