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

+ W.P.(C) 10470/2019

SMT. PREM LATA BHATIA AND ANR. Petitioners
Through: Mr.Amit Mahajan, Mr.Nikhil Singhvi
and Mr.Mohit Seth, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents
Through: Ms.Puja Kalra, Advocate for R-1.
Mr.Arnab Kumar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **26.09.2019**

CM APPL.43318/2019 (exemption)

Exemptions are allowed subject to all just exceptions.

W.P.(C) 10470/2019 & CM APPL. 43317/2019 & 43319/2019

1. The petitioners impugn demand notices dated 09.01.2019 and 01.05.2019 and show cause notice dated 23.09.2019.
2. Learned counsel for the petitioner submits that the issue raised by the Corporation is contrary to the settled position of law. Reference is drawn to the judgment of this Court in *Union of India vs. Jor Bagh Association and Ors, 188(2012) DLT 25*. Learned counsel further submits that admittedly there is now no misuse and no unauthorised construction and the issue of re-entry is already *sub judice* in W.P(C) No.14998/2006 and there is an interim protection granted to the petitioners.

3. Learned counsel for the respondent NDMC submits that the charges have been levied in terms of the directions of the High Court in the said writ petition and because the petitioners had misused the subject property contrary to the Master Plan and the lease conditions.
4. Learned counsel appearing for the respondent submits that the show cause notice dated 23.09.2019 has been issued in terms of the directions of the Monitoring Committee of the Supreme Court of India dated 17.09.2019.
5. Learned counsel for the petitioner submits that since the allegation is that show cause notice dated 23.09.2019 has been issued consequent to the directions of the Monitoring Committee, the petitioner shall seek his remedy against the said show cause notice either before the Monitoring Committee or before the Supreme Court of India.
6. Issue notice limited to the challenge to demand notices dated 09.01.2019 and 01.05.2019. Notice is accepted by learned counsel for respondent No.1 as also by counsel for respondent No.2.
7. List on 02.12.2019.
8. Order *dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 26, 2019

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