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

+ W.P.(C) 15655/2024

SH DEEPAK GANDHI

.....Petitioner

Through: Mr. Rajat Juneja, Mr. Manoranjan
Sharma and Mr. S. M. Ansari,
Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Akshay Verma, Additional
Standing Counsel for NDMC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.11.2024

CM APPL. 65624/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15655/2024 & CM APPL. 65625/2024

1. Issue notice. Learned counsel accepts notice on behalf of the New Delhi Municipal Council ["NDMC"].
2. List on 11.02.2025.
3. Reply be filed within a period of four weeks. Rejoinder thereto be filed within a period of two weeks.
4. I am informed that kiosk in question has been sealed since August 2021, and that proceedings under the Public Premises (Eviction of



Unauthorised Occupants) Act, 1971 [“the Act”] have also been instituted in 2021.

5. Learned counsel for the petitioner submits that the material parts of the impugned order dated 04.03.2024 are virtually a verbatim reproduction of an earlier order dated 05.09.2023, which was set aside by the order of this Court on 09.10.2023 in W.P. (C) 13270/2023. The petitioner is permitted to place an additional affidavit on record within a period of one week with a copy of the said order.

6. It appears *prima facie* that the administrative proceedings before the Director (Estate-I) with regard to eviction of the petitioner, are now subject matter of proceedings before the Estate Officer under the Act, and the rights of the parties would have to be governed by the orders of the Estate Officer. Administrative proceedings, in which Director (Estate-I) has passed the impugned order dated 04.03.2024, will obviously be subject to the proceedings under the Act.

7. It therefore, appears that the question in this petition is really limited to the correctness of the sealing order or as to whether the premises in question, which was sealed in the year 2021, ought to be de-sealed during the pendency of the proceedings under the Act and if so, the conditions for the same.

8. In the counter affidavit to be filed by NDMC, the status of the proceedings under the Act will be provided, as also the computation of alleged arrears of license fee, on the basis of which the impugned order dated 04.03.2024 has been passed. The Counter affidavit will also deal with the submissions recorded above.

9. It is made clear that pendency of this petition will not come in the



way of the pending proceedings under the Act. Learned counsel for the petitioner assures the Court that the petitioner will cooperate in those proceedings.

PRATEEK JALAN, J

NOVEMBER 11, 2024
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