

#103

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 28.08.2018

W.P.(C) 9051/2018

UDHO DAS

..... Petitioner

versus

THE COMMISSIONER, SDMC AND ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Shalabh Gupta and Mr. Amandeep Soni, Advocates
For the Respondents : Mr. Sanjeev Sabharwal, Standing Counsel, SDMC with Mr. Hem
Kumar and Mr. Pritish Sabharwal, Advocates for R-1
Ms. Mini Pushkarna, Standing Counsel, DUISB with Ms. Shiva Pandey
and Ms. Swagata Bhuyan, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present writ petition under Articles 226 and 227 of the Constitution of India, instituted on behalf of the petitioner prays as follows:-

- “(a) Issue a writ/direction/order in the nature of mandamus or any other appropriate writ, order or direction thereby directing the respondents to de-seal the property bearing No.136, Sunlight Colony-II, New Delhi;

- (b) Issue a writ/direction/order in the nature of mandamus or any other appropriate writ, order or direction thereby directing the respondents to demolish the alleged illegal construction, if any, in the property bearing No.136, Sunlight Colony-II, New Delhi, and hand over the possession of the property to the petitioner or to his attorney after de-sealing the same;

OR IN THE ALTERNATIVE

Pass appropriate directions thereby allowing the petitioner to demolish the alleged illegal construction, if any, in the property bearing No.136, Sunlight Colony-II, New Delhi at his own costs, after de-sealing the same;

- (c) Issue a writ/direction/order in the nature of certiorari or any other appropriate writ, order or direction thereby quashing the sealing order (if any) passed by the respondents pertaining to property bearing No.136, Sunlight Colony-II, New Delhi;
- (d) Grant any other and further relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. The solitary grievance of the petitioner made in the present proceedings is to the effect that, the Delhi Urban Improvement Shelter Board (for short 'DUISB') has failed to respond to the petitioner's representation seeking de-sealing of the subject property bearing No.136, Sunlight Colony-II, New Delhi, in terms of the directions rendered by the Appellate Tribunal, Municipal Corporation of Delhi, by way of its order dated 31.07.2002.

3. Ms. Mini Pushkarna, learned Standing Counsel appearing on behalf of DUISB states that, despite repeated communications in this behalf, the

petitioner has failed to appear before them, in support of the said representation.

4. In view of the foregoing, the only course of action that commends itself is to direct the petitioner to appear before the Deputy Director (IAL/L&L), DUISB, Room No.3, H-Block, Vikas Kuteer, Indraprastha Estate, New Delhi on 04.09.2018 at 11:00 a.m.

5. The DUISB is thereafter directed to determine the representation filed on behalf of the petitioner, in accordance with law and pass a speaking and reasoned order in this behalf, after affording the latter an opportunity of being heard, as expeditiously as possible.

6. With the above directions, the writ petition is disposed of.

7. A copy of this order be given *dasti* under the signature of Court Master to counsel for the parties.

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 28, 2018
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