

Mrs. Gita Mehta & Anr vs Union Of India & Ors on 12 July, 2021

Author: Rekha Palli

Bench: Rekha Palli

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 6326/2021, CM APPL. 19909/2021&CM APPL. 19911/2021

MRS. GITA MEHTA & ANR.

Through

Mr.PinakiMisra, Sr.Adv

Mr.JeeveshNagrath,

Dutta, Adv.

versus

UNION OF INDIA & ORS.

Through

Mr.Vivek Goyal, CGSC f

Mr.Anilijit Singh, Adv

Mr. Manish Sharma, Adv

Mr. Sunil Jain, Adv. f

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 12.07.2021

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 6326/2021&CM APPL. 19909/2021

3. Vide the present petition, the petitioner seeks to assail the order dated 02.07.2021 passed by the respondent no.1, whereby the said respondent has, after holding that there are violations of the provisions of the lease-deed in respect of the property bearing no.3, Aurangzeb Road, New Delhi, taken a decision to re-enter the premises and take over possession of the same at 11:00 am on 13.07.2021.

4. Learned senior counsel for the petitioner submits that the impugned order is wholly perverse and, among other infirmities, incorrectly records that the inspection of the property was not permitted to be conducted, even though the same was duly inspected by the officials of respondent no.1. He further submits that the impugned order proceeds to hold the petitioner guilty of not providing a copy of the sanctioned plan, by overlooking the orders that were passed by respondent no.1 itself way back in 2011 directing that no construction was permitted to be carried out beyond what was sanctioned initially. He contends that keeping in view the implications of the impugned order, the

petitioner had specifically requested for a personal hearing. However, the same was not granted, and a cryptic order has been passed hastily by the respondent no.1 against the petitioner, without providing any substantial reasons therein. He, therefore, submits that the impugned order is liable to be quashed as the same has caused irreparable loss and prejudice to the petitioner.

5. Issue notice. Mr.Vivek Goyal, Ms.Anilijit Singh, Mr. Manish Sharma and Mr. Sunil Jain accept notice on behalf of respondent nos. 1 to 4 respectively. They pray for and are granted four weeks' time to counter affidavit and reply to the application. Rejoinder thereto, if any, be filed within four weeks thereafter.

6. Having considered the submissions of learned counsel for the parties and the documents on record, I find that even though the impugned order records that the respondent nos.3 & 4, i.e., M/s Decent Properties Private Limited & M/s Decent Builders Private Limited, did not permit inspection of the premises to the officials of respondent no.1, the said averments have been denied by learned counsel for the respondent no.2 as well as respondent no.4 who submit that the said respondents have never refused carrying out of the inspection and, on the other hand, have always facilitated the same by addressing letters dated 11.02.2021, 26.03.2021, and 10.06.2021.

7. Inasmuch as the two petitioners herein are concerned, the impugned order reveals that they rendered all cooperation to the officials of respondent no.1 to inspect the property in question. In fact, given that the property is the residence of these petitioners, allowing the impugned order, which prima facie appears to be suffering from various infirmities, to operate at this point is likely to cause grave and irreparable harm to the petitioners, notwithstanding their complete cooperation in the matter.

8. Accordingly, till the next date, the operation of the impugned order dated 02.07.2021 shall remain stayed. The parties will, however, maintain status quo in respect of the subject premises and, till the next date, neither carry out any construction thereon nor create any third-party rights in the property without obtaining leave of this Court.

9. List on 25.10.2021.

REKHA PALLI, J JULY 12, 2021 kk