



2026:DHC:2627



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7477/2025 and CM APPL. 33400/2025**

Date of decision: **24.03.2026**

IN THE MATTER OF:

VIVEKANAND PURI VIKAS PARISHAD REGDPetitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr.
Manek Sharma and Mr. Karrtik
Sharma Advocates.

versus

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.

.....Respondents

Through: Mr Abhinav Singh Advocate
Mr P.S Singh CGSC, Mr. Rajneesh
Sharma, Ms Shivangi Sharma,
Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“a) allow the present Writ Petition in favour of the Petitioner and against the Respondents;

b) issue an appropriate Writ of Certiorari or Directions against the Respondents, more particularly the Respondent No.2: Sub-Divisional Magistrate: Sub-Division Kotwali, to direct the setting aside/ quashing of the Impugned Notices bearing No. F. SOM/ KOT/ DPCC/ RECOVERY/ 2025, dated 17.04.2025, which have been issued to the Resident Members of the Petitioner Residents' Welfare Association namely Vivekanand Puri Vikas Parishad (Registered)/ Vivekanand Puri



Development Council (Registered) for the Recovery of Rs.30,000/- (Rupees Thirty Thousands Only) levied as Environmental Compensation in an arbitrary & illegal manner without following the Due Process of Law.”

2. The sole grievance raised by the petitioner is that no opportunity of hearing was afforded to the petitioner before passing of the impugned order.

3. The Supreme Court in ***Biecco Lawrie Ltd. and Anr. v. State of West Bengal and Anr.***,¹ has observed that both sides in a dispute being heard is fundamental to fair procedure. Notice being required to be served was further considered as an essential ingredient of fair hearing. The material portion of the judgement reads as under:

“24. It is fundamental to fair procedure that both sides should be heard—audi alteram partem i.e. hear the other side and it is often considered that it is broad enough to include the rule against bias since a fair hearing must be an unbiased hearing. One of the essential ingredients of fair hearing is that a person should be served with a proper notice i.e. a person has a right to notice. Notice should be clear and precise so as to give the other party adequate information of the case he has to meet and make an effective defence. Denial of notice and opportunity to respond result in making the administrative decision as vitiated.”

4. In ***Canara Bank v. V.K. Awasthy***,² the Supreme Court in eloquent terms described adherence to principle of natural justice to be of “*supreme importance*” when actions involving civil consequences are involved. Para. 10 of the said decision is extracted as under:

“10. The adherence to principles of natural justice as recognised by all civilised States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is

¹ (2009) 10 SCC 32.

² (2005) 6 CC 321.



commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the “Magna Carta”. The classic exposition of Sir Edward Coke of natural justice requires to “vocate, interrogate and adjudicate”. In the celebrated case of Cooper v. Wandsworth Board of Works the principle was thus stated: (ER p. 420)

“[E]ven God himself did not pass sentence upon Adam before he was called upon to make his defence. ‘Adam’ (says God), ‘where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?’”

Since then the principle has been chiselled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.”

5. There is nothing on record to controvert the primary submission made by the petitioner regarding affording of opportunity of hearing. In light of the facts of the instant case and the law discussed above, the Court, instead of going into the merits of the matter, deems it appropriate to set aside the same only on this ground alone.

6. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent to decide it afresh after extending opportunity of hearing to the petitioner. If the petitioner, thereafter, is aggrieved by the said order, it shall be at liberty to take appropriate recourse in accordance with law.



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7. With the aforesaid observations, the instant petition stands disposed along with all pending applications.
8. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 24, 2026

Nc