

Court No. - 21

Case :- WRIT - C No. - 39422 of 2023

Petitioner :- Kusum Vashisht

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Vishal Agarwal

Counsel for Respondent :- C.S.C.,Anjali Upadhya

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a mandamus directing respondent no.5 to forthwith stop illegal commercial activities allegedly going on at V-1, Ground Floor, Edeco Green Meadows, Sector Pi, Greater Noida, Gautam Budh Nagar by respondents no.7 and 8.

2. The petitioner is having a flat on the first floor in the Society aforesaid. Respondents no.7 and 8 are residing in the flat which is just below the flat of the petitioner on the ground floor. The petitioner alleges that respondents no.7 and 8 are carrying on commercial activities from their flat. He also submits that unauthorised constructions have also been made by the said respondents.

3. Ms. Anjali Upadhya, learned counsel appearing on behalf of respondent no.5, on instructions, states that in the past, certain unauthorised constructions were made by respondents no.7 and 8, but which has been removed. As of date, there is no illegal construction existing in the common area. She has placed for our perusal a report dated 1.12.2023 by the concerned official of Noida mentioning that unauthorised constructions have duly been removed. A copy of the same has also been provided to counsel for other side in Court. He admits that as of date, there is no unauthorised construction of respondents no.7 and 8 in existence on any common area.

4. Learned counsel for the petitioner next submitted that respondents no.7 and 8 have installed CCTV cameras and micro speakers having huge frequency which is invading upon the privacy of the petitioner.

5. In our opinion, the said dispute is interse between the petitioner and respondents no.7 and 8 for which the petitioner is free to take recourse to legal proceedings under common law, but no ground is made out to exercise writ jurisdiction in relation thereto.

6. Accordingly, the petition is disposed of with liberty to the petitioner to avail such other remedy in respect of the said grievance, as may be advised.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 1.12.2023

SL