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

+ **W.P.(C) 7231/2015**

SHAEDA

..... Petitioner

Through: Mr. Parvej with Mr. Firoj & Mr. J.
Chandra, Adv.

Versus

**SOUTH DELHI MUNICIPAL
CORPORATION & ORS**

..... Respondents

Through: Mr. Jayendra, Adv. for R-1/SDMC.
Mr. Naushad Ahmed Khan, Adv. for
R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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31.07.2015

1. Though the petition is filed seeking mandamus to the respondent No.1 South Delhi Municipal Corporation (SDMC) and to the respondent No.2 Police to take action with respect to the construction, allegedly unauthorized, being carried on by the respondent No.3 Haji Phulwa Chaudhary on plots of land i) ad-measuring 200 sq. yds. at Khasra No.735, ii) ad-measuring 100 sq.yds. at Khasra No.716, and iii) ad-measuring 30 sq.yds. at Khasra No.716 all situated at B-128, Kilokari Village, Kilokari, New Delhi but at the same time, it is stated that the petitioner is a co-owner of the said properties along with the respondent No.3 Haji Phulwa Chaudhary.

The petition is thus actuated by a desire to settle the dispute as to co-ownership between the petitioner and the respondent No.3 Haji Phulwa Chaudhary.

2. I have for detailed reasons given in the order dated 30th July, 2015 in W.P.(C) Nos.6495/2015 and 6494/2015 titled *Naeem Ahmed Vs. South Delhi Municipal Corporation* and *Rohan Sharma Vs. North Delhi Municipal Corporation* held that the public law remedy of a writ petition under Article 226 of the Constitution of India cannot be invoked in these circumstances.

3. The petition is thus dismissed with liberty to the petitioner to take appropriate remedy under the general law for all the reliefs claimed in this petition.

4. It is further clarified that the dismissal of this petition shall not constitute a licence to the respondent No.3 Haji Phulwa Chaudhary or any other person for carrying on unauthorized construction and shall not relieve the respondent No.1 SDMC of its statutory obligations in this regard.

5. No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

JULY 31, 2015

‘gsr’..

(Corrected and released on 12.09.2015)

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