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

+ W.P.(C) 2746/2016 & CM Appls. 11534-11535/2016

SHRI NIWAS

..... Petitioner

Through: Mr. Daviender Hora with Mr. Sikandar
Khan and Mr. Rohit Verma, Advs.

versus

SUB DIVISIONAL MAGISTRATE & ORS

..... Respondents

Through: Ms. Prabhsahay Kaur, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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29.03.2016

The present writ petition has been filed seeking a direction to the respondents to immediately stay and ultimately demolish the construction of Valmiki Chopal at Khasra No. 527/42, Village Burari, Delhi.

Learned counsel for the petitioner states that the property in question is lying vacant since last two decades and the respondents in February, 2016, in order to grab the property in question, have started constructing a Valmiki Chopal. He further states that a dispute regarding the property in question is pending adjudication before this Court in CS (OS) 3228/2015.

On the other hand, learned counsel for the respondents, who appears on advance notice, states that the petitioner had previously by way of a writ petition being WP(C) 2958/2013 unsuccessfully challenged the order of the Financial Commissioner by virtue of which the vesting of the aforesaid Khasra in the Gaon Sabha of

Village Burari was upheld.

A perusal of the paper book reveals that neither the filing of the writ petition being WP(C) 2958/2013 has been disclosed nor the pleadings of CS(OS) No. 3228/2015 or the orders passed in the said suit and writ petition have been placed on record.

In the opinion of this Court, this constitutes suppression of material facts. Accordingly, the present writ petition and applications are dismissed with costs of Rs.25,000/- to be paid to the respondents within a period of two weeks.

MANMOHAN, J

MARCH 29, 2016
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