

\$~36

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

+ W.P.(C) 2562/2016

KAMAL MARWAH

..... Petitioner

Through :Mr. Mohit Jolly and Mr. Vikas
Malhotra, Advs.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS

..... Respondents

Through Mr. Rajan Tyagi, Adv. for respondent
no. 1
Mr. Naushad Ahmned Khan, ASC
with Ms. Astha Nigam, Adv. for
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

03.05.2016

CM Appl. no. 15849/2016 (for recalling of the order dated 7th April, 2016)

By this application, petitioner has prayed that order dated 7th April, 2016 be recalled. A perusal of order dated 7th April, 2016 shows that writ petition was disposed of as withdrawn.

Petitioner had filed this writ petition praying therein that respondent nos. 1 and 2 be directed to restrain the respondent no. 3 from carrying any unauthorised construction at the ground floor and basement of the property

no. B-13, Chirag Enclave, New Delhi. It may be noted that petitioner is also residing in the same building at the first floor. Status report was filed by the respondent no.1 stating therein that deviations were noticed in the whole building including in the first floor in which petitioner is residing. A show cause notice under Section 343 of the Delhi Municipal Corporation Act, 1957 was issued to the owners/occupiers including Mr. S.P. Marwah (petitioner's husband). Status report indicates that petitioner's property was also booked for violation.

In these circumstances, it appears that petition was withdrawn.

I do not find any justification to revive the petition, more so when petitioner's property has also been booked for violation which shows that petitioner had not approached the court with clean hands. Learned counsel for the respondent no. 1 submits that in the reply, petitioner has stated that she was the owner of the first floor and not Mr. S.P. Marwah. It is further stated that petitioner did not even come forward to appear before the respondent no. 1, pursuant to the show cause notice. That apart status report shows that action, in accordance with law, has already been conducted by the respondent no.1 against the whole property.

Application is dismissed with costs of ₹10,000/- to be deposited with

Delhi High Court Legal Services Committee within four weeks.

A.K. PATHAK, J.

MAY 03, 2016/rb