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

+ W.P.(C) 10614/2016

MOHAMMAD AYAAZ Petitioner

Through: Mr.Ishan Dahiya, Adv.

Versus

STATE OF DELHI AND ORS Respondents

Through: Mr.Anupam Srivastava, ASC with
Mr.Arjun Saxena, Adv. for R-1&5.

Mr.Sumeet Pushkarna, Standing Counsel with
Mr.Siddhartha Nagpal, Adv. for R-2/DJB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **08.11.2016**

C.M.No.41656/2016 (exemptions)

Allowed subject to all just exceptions.

W.P.(C) No.10614/2016

1. This petition by way of Public Interest Litigation has been filed seeking a direction for removal of the alleged illegal encroachments over the property bearing Khasra No.7/1/1 admeasuring 4 bighas 16 biswa situated at 25 Foota Road, Chand Bagh, Village-Ziauddinpur, Delhi. It is alleged that the said property which was acquired under the Land Acquisition Act, 1894 for the purpose of Delhi Water Supply Scheme in the year 1974 has been illegally encroached upon by one Pratap Singh and Ravindra Kumar and that in spite of several representations made to the respondents requesting to remove the illegal constructions, they failed to do so.

2. It is clear from the averments in the writ petition that a civil suit being CS No.409/2011 titled *Mohammed Rizwan vs. Praptap Singh & Ors.* is

pending with regard to the title of the property in question. The respondent No.4 herein/Deputy Commissioner (North East) is also a party to the said Suit and it was pleaded in his written statement that the land in question had been acquired for Delhi Water Supply Scheme.

3. Having regard to the admitted fact that the property in question is the subject matter of the proceedings pending before the competent court of civil jurisdiction, the issues sought to be raised by the petitioner deserve no consideration in a Public Interest Litigation, particularly in the absence of the parties to the civil suit.

4. Accordingly, the writ petition is dismissed. No costs.

CHIEF JUSTICE

NOVEMBER 08, 2016/‘*anb*’

SANGITA DHINGRA SEHGAL, J