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

+ **W.P.(C) 12007/2016**

AGNI BESH DAS GUPTA

..... Petitioner

Through Mr.Anirban Sen, Advocate.

versus

SOUTH DELHI MUNICIPAL COUNCIL & ORS

..... Respondents

Through Ms.Puja Kalra, Advocate for SDMC.
Mr.Anirudha K. Mudgal, Advocate
for R-3 and R-4.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.12.2016**

C.M. No.47400/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 12007/2016 & C.M. Nos.47399/2016

Petitioner is aggrieved by the certain illegal and unauthorized construction which as per him is being permitted in property bearing No.S-363, Greater Kailash-II, New Delhi as also in S-248, Greater Kailash-II, New Delhi.

Notice of this petition has been accepted by learned counsel appearing for respondent no.1/SDMC. She submits that as per her instructions property bearing No.S-248 has been constructed as per sanctioned plan and no fresh construction has been noted in the said property. This has been reported by learned counsel for respondent

no.1 under instructions and photographs (taken yesterday) evidencing this submission have also been placed on record. The photographs of the same date also evidenced the submission of the respondent no.1/SDMC that no fresh construction has been noted in property No.S-363 as well. Learned counsel appearing for respondent no.1/SDMC submits that the ground floor of this property (S-363) was inspected and found to contain certain sewing machines which were found stored there. This basement was being used for storage purpose only. No illegal activity was noted there. A notice under Section 345-A of the DMC Act has been issued to the respondent no.4. Respondent no.4 has furnished an undertaking that the said premises would be used in accordance with the Master Plan-2021. Copy of the undertaking/affidavit dated 02.7.2016 have also been placed on record.

This Court has been informed that there are two FIRs pending inter se the parties. The FIR No.193/2016 has been registered as late as on 04.8.2016 under Section 420 IPC. The contention of private respondent is that the complainant in that FIR is the son of respondents no.3 and 4. Their submission is that huge amounts are due from the petitioner to the family of respondents nos.3 and 4 and this amount escalates to more than Rs.1 crore. The second FIR i.e. FIR No.290/2016 has been registered on the complaint of respondent no.4 under Sections 323 and 354 of the IPC.

These submissions are not refuted and in fact cannot be refuted in view of the documentary evidence placed on record which includes the said FIRs. Thus this appears to be a private vendetta for which

this petitioner has approached this Court.

Noting all these submissions, this Court is of the view that this Court would not like to exercise its discretion under its writ jurisdiction to settle this private dispute.

This writ petition stands dismissed.

INDERMEET KAUR, J

DECEMBER 21, 2016
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