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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8063/2015, C.M. No.16646/2015 & C.M.No.16646/2015

SUNDAR

..... Petitioner

Through Mr.Tarun Sharma and Mr.Akanksha
Kapoor, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Ms.Pooja Kalra, Advocate for R-1.
Mr.Ankit Jain, Advocate for R-5.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.09.2016

Petitioner before this Court is one Sundar. He is stated to be the resident of Plot No.1A, Khasra No.52/2, Sarai Kale Khan. His contention is that illegal construction has been carried out in Khasra No.51, Murgewali Gali, Sarai Kale Khan, New Delhi. This is against the bye-laws and regulations of the Delhi Municipal Corporation. This construction be directed to be demolished. South Delhi Municipal Corporation is respondent no.1. The private parties have been arrayed as respondent nos.2 to 5. Except for respondent no.5 there is no specific address given of respondent no.2 to 4. A specific query has been put to the learned counsel for petitioner on this score to which he states that there are no separate municipal numbers given in Khasra No.51. This is contrary to the memo of parties which has been filed by the petitioner in which respondent no.5 has been shown as resident of D-88, Khasra No.51, Sarai Kale Khan, New Delhi; the addresses of respondent nos.2,3, and 4 are, however, not a part of the

record.

This Court also notes the grievances of the petitioner which are largely to the effect that in Khasra no.51, Sarai Kale Khan, New Delhi illegal construction is being carried out by respondent no.2 to 5 and which illegal construction has endangered the life of the community. Prayer has been made that six to seven storey buildings which are unauthorized in the aforementioned Khasra be directed to be demolished. Learned counsel for petitioner has been apprised that this petition appears to be very vague and in the absence of the details of the properties no action can be taken. This Court is not in a position to pass an order on such a prayer as a blanket prayer for demolition of the unauthorized construction in the entire Khasra No.51, Sarai Kale Khan may not be feasible and nor possible. This is specially in view of the candid submission of the learned counsel for the petitioner who has informed this Court that this khasra (No.51) comprises of 9600 sq. Yards of land i.e. about 2 acres or may be more. In earlier order of this Court passed on 24.8.2015 it was noted that a private dispute between petitioner and respondent nos.2 to 5 is pending and the Court had returned a prima facie finding that the present petition is motivated.

A status report has been filed by the respondent wherein it is stated that the property of respondent no.3 was found to having illegal deviations for which necessary actions in accordance with law which included the demolition order had been passed.

The private respondent (respondent no.5) has also put in appearance. He submits that this petition is wholly a private vendetta

which the petitioner is trying to impose and is seeking orders to vent out his grievance against this private respondent through this writ petition. He has placed on record certain order passed by the ATMCD but this Court notes that those orders relate to one Navin Kumar (not a respondent before this Court) and qua property No.D-86, Sarai Kale Khan, New Delhi.

This Court is of the view that the averments in the writ petition show that it is wholly lacking in material particulars and in the absence of the specific particulars of the properties of respondent nos.2 to 5 (which are allegedly unauthorized) having been brought to the notice of the Court and the submission of the petitioner that there are no municipal number in Khasra No.51 having been belied as the property of the respondent no.5 has been disclosed to be D-88; this Court is of the view that this petition is not maintainable. In the absence of the particulars of the properties of respondent nos.2 to 4, this petition is dismissed as the blanket prayer that all properties in Khasra No.51 be demolished cannot be granted. This Court is not setting up a roving enquiry conducted at the behest of the petitioner especially in view of the admitted position that there is an inter se private dispute pending between the parties.

Petition is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

SEPTEMBER 02, 2016
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