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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 383/2017

SHRI INDER PAL KALRA

..... Petitioner

Through Ms.Sweta Badola, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION OF DELHI & ORS

..... Respondents

Through Mr.Mukesh Gupta, Standing Counsel
for North DMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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17.01.2017

Petitioner is aggrieved by the fact that respondent nos.1 to 3 is occupying certain portion of the property bearing No.3134-35/45 (as also know as 3134/9), Ram Bazar, Mori Gate, Delhi and since the building is in a dilapidated and dangerous condition this portion of the property should be directed to be demolished by the Corporation/respondent nos.1 to 3.

The averments in the writ petition disclose that the property had been purchased by the petitioner i.e. ground floor and the first floor vide sale deed dated 16.6.2016. The erstwhile owner had informed the petitioner that there are two independent room sets on the ground floor which have been illegally occupied by respondent nos. 4 to 6. Petitioner was constrained to file two civil suits i.e. a suit for possession, mesne profit, damages, recovery of rent and second suit

for permanent injunction. On a query put to the learned counsel for petitioner as to whether apart from respondent nos. 4 to 6 the Corporation is also a party in these suits. Her candid answer is in the positive. Further averments in the writ petition shows that the action sought for in the present petition appears to have already been taken in the two civil suits which have been filed by the petitioner wherein the same parties have been arrayed. Since the petitioner has already taken his remedy in law, the present writ petition which is an alternate efficacious remedy may not be a remedy available to the petitioner as a writ petition is not an additional remedy.

At this stage counsel for the petitioner states that probably the MCD is not already a party in these suit proceedings.

Be that as it may this Court notes that the averments being fact based. This Court on this count is also not inclined to entertain this petition.

Dismissed.

INDERMEET KAUR, J

JANUARY 17, 2017

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