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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1447/2017**
M/S STARLINE SECURITY SERVICE PVT. LTD.

..... Petitioner

Through Mr.Sunil Kumar, Advocate.

versus

**THE COMMISSIONER, NORTH DELHI MUNICIPAL
CORPORATION & ANR**

..... Respondents

Through Ms.Mini Pushkarana, Standing
Counsel Ms.Namrata Mukim,
Ms.Vasundhara Nayyar and
Ms.Anushruti, Advocates.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
17.02.2017

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C.M. Nos.6664-65/2017 (exemption)

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

W.P.(C) 1447/2017

Petitioner before this Court had been allotted a parking site at Jeewan Mala Hospital, Karol Bagh. Physical possession of the same was handed over to the petitioner on 22.12.2016. The grievance of the petitioner is that there is wide spread encroachment at the parking side; there are pits and holes and there is also a lighting problem. He had represented his grievance before the Department vide his communication dated 28.12.2016 followed by other communications

dated 03.01.2017, 30.01.2017, 31.01.2017 but to no avail. By way of this petition he seeks prayer that a local commissioner be appointed to go to inspect the site.

On advance notice, learned counsel for respondent/North DMC has put in appearance. Her submission is that the physical possession of this site has admittedly been taken over by the petitioner on 22.12.2016 and Clause 5 of the Tender Conditions stipulates that the parking site shall be given on an "as is where is" basis. Petitioner can have no grievance now. That apart learned counsel for respondent submits that this representation of the petitioner had been considered by the Department and some illegal vehicles which were found parked at the parking site have since been removed. Photographs to substantiate this submission of the respondent have been placed on record.

Noting the submissions and counter submissions of the parties, this Court is of the view that the prayer made in the petitioner cannot be acceded to. This Court is view of the view that even if a local commissioner is appointed he would collect a piece of evidence for the petitioner which again may or may not be a relevant fact in the eye of the Department.

It would be appropriate if the petitioner addresses his grievance before the Department who which would answer the same in accordance with law. The Department undertakes and assures to this Court that if there is any encroachment at the parking site for which the Department is responsible, the Department would take appropriate action. This undertaking of the learned counsel for the respondent

(under instructions from the Department) is taken on record. It is hoped and expected that this undertaking is honoured in true letter and spirit. The commitment of the respondent shall be answered to the petitioner within an outer limit of two weeks from today.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 17, 2017
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