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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 326/2017 and CM No.16551/2017**

DIVYA SHARMA Appellant
Through: Mr.D.K.Chhabra, Advocate

versus

DELHI JAL BOARD Respondent
Through: Mr.Sumeet Pushkarna, Advocate

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **01.05.2017**

1. The appellant assails the judgment dated 28th March, 2017 in Writ Petition (Civil) No.2831/2017, whereby the prayer for direction to the Delhi Jal Board to grant a new water connection in completely unauthorised construction of fourth floor raised over property No.A-5/63-B, Paschim Vihar, New Delhi, has been rejected.
2. It is an admitted position that the property has been raised without any sanction or permission required by law.
3. It needs no elaboration that a person invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, has to establish a legal right to maintain a writ petition and entitlement to the relief claimed. It is apparent on the face of the record that the appellant has no such right.
4. It is noted that prior to approaching this Court, the appellant had invoked the jurisdiction of a Civil Court by way of a suit for

injunction for a similar relief. This relief was rejected by a judgment dated 21st April, 2015 when the suit was dismissed.

5. The appellant's appeal by way of RCA No.5/2015 was rejected by the learned JSCC-cum-ASCJ-cum Guardian Judge (West) by a detailed judgment dated 20th January, 2016. It was held by the Civil Court that the property of the appellant was unauthorised and illegal due to which water connection could not be installed. The plaintiff had failed to establish whether the property was allotted to her or permitted to be constructed by the Delhi Development Authority, the land owning and development agency.

6. The writ petition was misconceived and has been rightly rejected. We find no merit in this appeal which is hereby dismissed.

The appeal and the application are hereby dismissed.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

MAY 01, 2017/sv