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

+ W.P.(C) 5097/2015

PAARDARSHITA PUBLIC WELFARE FOUNDATION (NGO)

..... Petitioner

Through Mr. Harkrishan Das Nijhawan,
General Secretary of the petitioner.

versus

**COMMISSIONER SOUTH DELHI MUNICIPAL CORPORATION
& ANR**

..... Respondents

Through Ms. Biji Rajesh, proxy counsel for
Mr. Gaurant Kanth, Adv.
Mr. Naushad Khan, ASC with Ms.
Divyani Sehgal, Adv. for R-2.
Mr. Prashant Katara, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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24.08.2017

Mr. Nijhawan, General Secretary of the petitioner submits that he wants to argue the petition himself.

Petitioner an NGO approached this Court with the instant writ petition alleging inactions attributable to the respondent no.1 for the alleged unauthorized construction and encroachment on the public land with the prayer, as follows :

“Issue a writ of mandamus or any other appropriate writ(s) or order(s) or directions(s) to Respondents to remove the encroachment in TOTO (Total Building & Structure) from the government land raised by the owner/occupiers of 19 CSP DDA Flats Humayunpur & Encroachment in and & Around B5 DDA Market Safdarjung Enclave by Shri Sudesh Kumar & other members of her family.

Issue a writ of mandamus or any other appropriate writ(s) or order(s) or directions(s) to Respondents to take the action against the officers of the respondents who are failed to stop the re-encroachment on government land and construction and reconstruction of the demolished portion upon the said government land in and around 19 CSP DDA Flats Humayunpur Safdarjung Enclave & Encroachments at B5 DDA Market by Shri Sudesh Kumar & other members of her family.

Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and Circumstances of the case and in the interest of justice."

During the course of hearing, it transpires that for the alleged unauthorized construction, the owner/builder has already approached AT, MCD and for the alleged encroachment, a Civil Suit has come to be filed. Both, the statutory appeal under the DMC Act as also the Civil Suit are still pending. Suffice to say, the writ petition came to be entertained for the alleged inactions in discharge of the duties of the respondent no.1. In view of the actions initiated by respondent no.1, which is under challenge before AT, MCD and the other action pending before Civil Court, wherein, interim protection came to be granted, no purpose would be served to keep the instant writ petition pending. Suffice to say, the factual aspects cannot be gone into the instant proceedings and at this stage. Instant petition is therefore, disposed off. Liberty is however, reserved to the petitioner to file a fresh petition, if, any fresh cause of action arises or there is a good reason to entertain afresh, in the event, the respondent no.1 fails in discharge of its statutory obligations.

A. K. CHAWLA, J

AUGUST 24, 2017/rc