

\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 12227/2016 & CM No.48275/2016

MAHAVIR JAIN

..... Petitioner

Through Mr.N.K. Sahoo, Adv. along with
petitioner in person.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR

..... Respondents

Through Mr.Sri Harsha Peechara, Adv. along with
Mr.Mananjay Mishra and Ms.Vidhi Jain,
Advs. for NDMC.
Mr.Vinod Kr. Bhati, Adv. for Mr.Devesh
Singh, Adv. for GNCTD.
Mr.Mukesh Kr. Singh, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

16.01.2017

Writ Petition (C) 5027/2015 was filed by the present petitioner and was disposed of by this Court by an order dated 15th December, 2016 which reads as under:

“This is a writ petition filed under Article 226 of the Constitution of India praying for writ of mandamus or any other appropriate direction for the enforcement of fundamental right under Article 14, 21 and 19(g) of the Constitution and for enforcement of right under Section 225 of the NDMC Act, 1994 or under Section 3(3) of the Street Vendors Act, 2014 for directing the respondents not to permit any encroachment/relocation and to maintain strict surveillance against crimes and new encroachment of squatters. As per the petition, petitioners are the squatters, who earn their livelihood by squatting in the Vending Zone under the orders passed by the Hon’ble Court and under permission of Tehbazari being granted by the respondent under the NDMC Policy No.28 of 1989. The only relief which is being sought in this writ petition is that the NDMC should install a functional CCTV Camera in the area of „A“ and „B“

Block of Connaught Place having regard to the security risk and also to discourage illegal squatters from occupying the area. Learned counsel for the NDMC submits that principally the NDMC has no objection and for installation of the CCTV Cameras at „A“ and „B“ Block of Connaught Place to ensure that no unauthorised squatters occupy the area. Let the CCTV Cameras, as agreed, be installed as early as possible, but not later than six months from today. With these directions the writ petition and the application stand disposed of, as prayed.”

On 19th December, 2016 within a gap of four days, the present writ petition has been instituted. The prayer made in the present writ petition is almost identical to the prayer (b) made in the earlier writ petition. No foundation has been laid in this writ petition as to what has led to the filing of the second writ petition by the same petitioner which is running into 130 pages containing 73 paragraphs in the main writ petition plus annexures etc. We had expressed our displeasure on the last date of hearing resulting in an application having been filed by the petitioner, being CM No.1719/2017, to place additional documents on record. In this application also at paragraph 3, the second prayer made in the first writ petition has been suppressed. It is highly unfortunate that a second writ petition has been filed with identical prayer which was not pressed when the order of 15th December, 2016 was passed in W.P. (C) No.5027/2015. The present writ petition is devoid of any explanation for the same. We find this to be a fit case to impose cost but we are persuaded not to do so. The petitioner at this stage wishes to withdraw the present writ petition. The writ petition is dismissed as withdrawn.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 16, 2017/jitender/ka