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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 642/2018
AMIT KUMAR Petitioner

Through: None.

versus

SOUTH DELHI M.C.D THROUGH: D.C.M.C.D GREEN PARK
AND ORS. Respondents

Through: Mr. Virendra Singh and Ms. Puja
Kalra, SC for SDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **18.12.2018**

1. The petitioner has filed this petition in the form of a public interest litigation seeking action to be taken with regard to illegal construction of a property bearing No. 1019A, Ward No.7, Near Mehta Chowk, Mehrauli, New Delhi.
2. On November 12, 2018 we had passed a detailed order in W.P. (C) 432/2018 and W.P. (C) 5042/2018 filed by the present petitioner which is reproduced herein as under:

“Petitioner is not present today. In W.P. (C) 432/2018, a detailed order was passed by this Court on 13.07.2018 wherein it was found that the petitioner has filed this petition in the form of a public interest litigation seeking action to be taken with regard to illegal construction of a property bearing No.895, Ward No.8, Sarai, Mehrauli, New Delhi.

While hearing the matter, it was found that the petitioner

has filed more than 19 matters with regard to unauthorised constructions. A report was called from the Registry with regard to matters filed in this Court by the petitioner during the last three years. As per the report submitted by the Registry, it was found that the petitioner had filed 53 writ petitions all pertaining to unauthorised constructions raised by private persons. It was also found that out of said 53 writ petitions only in 11 petitions the petitioner has disclosed his parentage and addresses correctly however in other cases his addresses and parentage were found different.

Taking note of all these factors the petitioner was issued notice and he was directed to remain present before this Court and explain as to why an enquiry should not be initiated against him for misusing the liberty available of filing public interest litigation. Service of notice was not effected on him and therefore the SHO Police Station Mehrauli was directed to effect service of notice on the petitioner. The petitioner was thereafter served. He appeared on 20.09.2018 when all these three cases were taken up together and in W.P.(C) 432/2018 the following order was passed on 20.09.2018.

“Petitioner is present in person. Even though he has filed an affidavit, it does not deal with various issues for which he was noticed on 13.07.2018 and thereafter again on 30.07.2018. He should go through the orders, the report submitted by the Registry in the matter and thereafter file a detailed affidavit failing which we propose to take action against him as we are not satisfied with the explanation given by him. List on 12.11.2018.”

So far as W.P.(C) 5042/2018 is concerned, the petitioner is not present today. However, the counsel representing the petitioner submits that the petitioner is not present as there was no order for his personal appearance. We cannot accept the aforesaid explanation. The petitioner was present on 20.09.2018 before this Court and we had clearly indicated to the petitioner that even though he had filed the affidavit but

*the same had not dealt with various issues which were noticed by this Court on 10.07.2018 and thereafter again on 30.07.2018. We find that today neither the petitioner is present nor he has filed the affidavit as directed by us on 30.07.2018. That apart, we can take judicial notice of the fact that with regard to the removal of unauthorised construction the Supreme Court has passed an order in **Writ Petition(s) (Civil) No(s). 4677/1985 M.C. Mehta v. Union of India & Ors.** and based on the same, several public interest litigations have been disposed of granting liberty to the aggrieved persons to approach the appropriate committee that has been constituted in pursuance to the order passed by the Supreme Court. However, in these particular cases, taking note of the conduct of the petitioner and the manner in which he has misused the process of law in filing the public interest litigations, we see no reason to make any indulgence into the matter at his instance. Accordingly, both the petitions are dismissed with the direction to the Registry not to accept any petition filed by the petitioner in the form of public interest litigation with regard to unauthorised constructions.”*

3. Today neither the petitioner nor his counsel is present. Keeping in view the conduct of the petitioner narrated in the aforesaid order, this petition is dismissed with the direction to the Registry not to accept any petition filed by the petitioner in the form of Public Interest Litigation with regard to unauthorised constructions.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 18, 2018/aky