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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 785/2018

AAM FOUNDATION

..... Petitioner

Through: None.

Versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rajesh Mahajan, Additional Standing Counsel for State with SI Mukesh Meena, P.S. Vasant Vihar.

Mr. Kailash Vasudev, Senior Advocate with Ms. Limayinla J., Mr. Umrao Singh Rawat, Ms. Mohita, Ms. Nayantara Gupta and Mr. Sumer Singh Sandhu, Advocates for Respondents No. 3 to 10.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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11.07.2018

Mr. Kailash Vasudev, the learned Senior Advocate for respondents No. 3 to 10 submits that the writ petition itself is not maintainable because the reliefs sought are more in the nature of a civil dispute and could at best be subject to civil proceedings. He submits that since the petitioner is already pursuing the same reliefs against the same respondents in Civil Suit No.4467/2018 before the Karkardooma Court, he cannot pursue the same relief in two separate proceedings before the two fora; and definitely not in these proceedings since the relief sought is of a civil nature.

The petition seeks the following reliefs:

“(a) Issue a writ of mandamus or a writ of any other nature or direction directing the Respondent No 1(The Commissioner of Police, New Delhi) and the Respondent No 2 (The SHO, Police station Vasant Vihar) to take criminal action against the Respondents No 3-10 and all involved officials for their role in the illegal destruction and trespass of the leased out properties in the leased out premises of Valmiki Temple No 1;

(b) Issue a writ of mandamus or a writ of any other nature or any other direction/order directing the Respondents No 1 &2 to take action such that the Respondent No. 3 to 10 honour the lease deed dated 22.06.2009 and not interfere with the peaceful enjoyment and use of the premises by the Petitioner Trust in the present and in anytime in the future;

(c) Issue a writ of mandamus or a writ of any other nature or any other direction/order directing the Respondents No 1 & 2 to take such action that the Respondent No. 3 to 10 compensate the Petitioner for all the losses suffered due to their actions which includes but is not limited to the reconstruction of the destroyed buildings, compensation for all the materials thrown out and compensation for mental and physical harassment which the Petitioner has had to deal with;

(d) pass any such other / further writ of any nature, direction, order as this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

It is evident that the reliefs are more in the nature of civil dispute. The directions sought in the prayer clause (b) and (c) cannot be issued against private individuals under Article 226 of the Constitution. The petitioner is already pursuing the same relief in a suit, as mentioned hereinabove. The petition is prima facie not maintainable.

None appears for the petitioner.

In view of the above, the petition is dismissed in default.

NAJMI WAZIRI, J.

JULY 11, 2018

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At this stage, Ms. (appearance not given), the learned counsel enters appearance on behalf of the petitioner. She has been informed of the order.

NAJMI WAZIRI, J.

JULY 11, 2018

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