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

+ W.P.(C) 3019/2018 & CM No.12076/2018, 21522/2018, 21596/2018

Date of Decision: 5th September, 2018

MANGLAM PLACE WELFARE
ASSOCIATION (REGD.)

..... Petitioner

Through: Ms.Sonia Sharma, Adv. for
Mr.R.K.Saini, Adv.

Versus

NORTH DELHI MUNICIPAL
CORPORATION AND ORS.

..... Respondents

Through: Ms.Mini Pushkarna, Standing
Counsel with Ms.Swagata Bhuyan, Ms.Shiva
Pandey, Advs. for North DMC.

Mr.Santosh Kumar Tripathi, ASC for R-
3/GNCTD.

Mr.B.L.Wali, Adv. for R-4.

ASI Subhash Chand (No.3054/RD) P.S. South
Rohini.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

Rajendra Menon, Chief Justice (Oral)

1. This petition under Article 226 of the Constitution of India and in public interest has been filed *inter alia* contending that illegal paid parking area in Manglam Place District Centre, Sector-3, Rohini, Delhi has been granted to respondent No.4 contrary to the provisions of law inasmuch as the area earmarked for parking site near Manglam Place District Centre is 1263 sq.mtrs. whereas the respondent No.4 has been shown to be occupying approximately 9601 sq. mtrs. Seeking cancellation of the same, this petition

in public interest has been filed.

2. This Court has issued notice and had directed the respondents, particularly, the Delhi Development Authority ('DDA') and the North Delhi Municipal Corporation (NDMC) to justify their action and now from the additional affidavit filed on behalf of respondents No.1 and 2 – NDMC, we find that finding the area in question occupied by respondent No.4 for the parking site to be 9601 sq. mtrs. instead of the site plan and details provided by DDA which was only to the extent of 1263 sq. mtrs., vide orders passed and which is detailed in para-10 of the additional affidavit, the allotment and tender/contract granted to the respondent No.4 for the parking site near Manglam Place District Centre, Rohini has been cancelled and we are informed that respondent No.4 has challenged the cancellation now by filing a separate writ petition being *W.P.(C) No.8386/2018, Ajay Kumar Vs. North DMC*.

3. That being so, we are of the considered view that now in view of the subsequent action that has been brought on record as is indicated from the additional affidavit, no further indulgence into the matter is called for. However, during the course of hearing, learned counsel representing respondent No.4 vehemently argued about the bonafide of the petitioner in filing the writ petition, the locus standi and various other malafides involved in the matter. That apart, he tried to indicate that this PIL at the instance of the petitioner association is a misuse of the process of law. In view of the subsequent development that has taken place and as indicated hereinabove, we need not go into all these aspects of the matter now. However, as the

respondent No.4 has already challenged the action taken against him, we grant him liberty to prosecute the matter in the writ petition filed and we clarify that we have not gone into the merits of the action taken against the respondent No.4. We have only disposed of the matter being satisfied with the action. Merits of the action taken, as indicated hereinabove, for cancellation of the contract can be looked into by the learned writ Court where the matter is *sub judice* at the instance of respondent No.4.

4. With the aforesaid, the petition is disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 05, 2018

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