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

+ W.P.(C) 5611/2018

SHAHID ATIQ

..... Petitioner

Through: Mr. Sherafgon, Adv. for the applicant

Versus

COMMISSIONER NDMC AND ORS.

..... Respondents

Through: Ms. Namrata Mukim, Adv. with
Ms.Kashpi Agrawal, Adv. for R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **02.09.2019**

CRL.M.A.9363/2019

This application has been preferred under Sections 340 and 195 of the Criminal Procedure Code, 1978. This application has been preferred to point out to this Court that there were several averments made by the original petitioner in the writ petition which are factually incorrect. Since original petitioner was an interested party in the writ petition, hence his W.P.(C) 5611/2018, as a public interest litigation, was not tenable at law.

Having heard the counsel for the applicant and looking into the order dated 08.10.2018 passed in W.P.(C) 5611/2018, we find no reason to entertain this application for the following reasons:

- (a) This criminal miscellaneous application is not tenable at law in a writ petition which was finally disposed of on 08.10.2018 by this Court;
- (b) The averments and allegations mentioned in the memo of this writ petition by the original petitioner have been kept as it is and only direction given by this Court while disposing of W.P.(C) 5611/2018 *vide* judgment and order dated 08.10.2018 as under:

“Accordingly this writ petition is disposed of with liberty to the petitioner to file a complaint before the appropriate Committee as indicated hereinabove. The pending applications also stand disposed of”

In view of the aforesaid order passed by this Court, the averments and allegations made in the memo of the writ petition have not influenced this Court so far as demolition or otherwise of the property in question is concerned.

- (c) Even if there were factually incorrect averments made by the petitioner, the same could be controverted by this applicant when the demolition proceedings were being initiated by the respondent, before the appropriate Committee.
- (d) If an action has already been taken by the Committee and the property has been demolished, nothing further is required to be done in this writ petition.

However, we grant liberty to this applicant to prefer such application, if so advised, before the appropriate forum in accordance with law.

With the aforesaid observation, the criminal miscellaneous application is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 02, 2019/ns