

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

% Date of decision: 25th October, 2018

+ W.P.(C) 9164/2017

VIKAS BAKSHI PRESIDENT BHRASHTACHAR VIRODHI
SANGATHAN Petitioner

Through: Mr. J.P. Sengh, Sr. Adv. and
Mr. Mohit Mathur, Sr. Adv. with
petitioner in person.

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through: Mr. Rizwan and Ms. Priyanka Goel,
Adv. for respondent / GNCTD and
SHO, C.R. Park and Kalkaji with SI
Satvidner Kumar, PS-Kalkaji and SI
Anil Kumar, PS-C.R. Park.
Ms. Monika Arora, Standing Counsel
with Mr. Harsh Ahuja, Adv. for
SDMC.
Mr. Sanjay Agnihotri, Adv. respondent
no.4 respondent no.4 in person.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the
following prayers:

*“In the aforementioned facts and grounds, it is, therefore, most
respectfully prayed that this Hon'ble High Court may
graciously be pleased to:*

(a) *allow the present Writ Petition (Civil) and direct the respondents to seal and demolish the unauthorized and illegal Buildings, Borewells and Swimming Pools constructed at Farm House No. 5, Mandi, New Delhi, in gross violation of Delhi Land Reforms Act and MCD laws, by its owner / builder named Anil Sharma (the respondent no.4 herein), by issuing the writ of mandamus or any other appropriate writs in the above captioned writ petition, from this Hon'ble Court;*

(b) *Pass any other and further order / s as this Hon'ble High Court may deem fit and proper in the interest of justice."*

2. When the matter was listed on 13th February, 2018, this court passed the following order:

"1. Mr. Shakil Akhtar, Advocate who had been appearing for the petitioner earlier in this case seeks discharge from the matter. The Vakalatnama filed by Mr. Shakil Akhtar, Advocate is discharged.

2. Mr. Upendra Karmahe, Advocate entered appearance on behalf of the petitioner and he would be filing the Vakalatnama.

3. We are informed by the ld. counsel for the petitioner that the petitioner has been enrolled as an Advocate only in the year, 2017.

4. The petitioner shall file an affidavit to the effect that there is no illegal or unauthorized construction in the village-Mandi, New Delhi within one day from today. He shall also disclose his residential address in the affidavit.

5. It is stated by Ms. Monika Arora, ld. Standing Counsel for the South Delhi Municipal Corporation that the status report setting out the orders and action taken by the SDMC has been filed on record.

Let a copy thereof be furnished to the respondent no.4 during the course of the day.

6. It is open for the respondent no.4 to assail the action and orders passed by the SDMC in accordance with law before the appropriate court or forum.

7. We make it clear that we have not expressed any opinion either on the merits of the petitioner's contentions or with regard to the action taken or orders passed by the SDMC.

8. The petitioner shall remain present on the next date of hearing”

3. Despite the direction of this court, the affidavits were not filed on time. Even the two affidavits which were filed by the petitioner were not in terms of the order passed by this court on 13th February, 2018 and 21st February, 2018. Again on 20th July, 2018, this court passed a further detailed order. On 30th August, 2018, this court not being satisfied with the affidavits filed by the petitioner directed him to file a fresh affidavit to include the source of information from which the petitioner has made the averments in the writ petition. An affidavit has been filed by the petitioner on 14th September, 2018, in Para 6 of the same the petitioner has stated as under:

“6.That I submit that as informed to this Hon’ble Court earlier, I had received, in March, 2017, the alleged information telephonically by one Mr. Jha who claimed to have been working in that area. He had expressed that he had experienced problems as he was ill-treated and threatened by some people there. He had contacted me on coming across my NGO’s name at Kalkaji, where he claimed to have been residing. All the communications by our NGO was based on

information and on some information collected by us. Now, when I realized that I was mislead into believing that there was unauthorized work carried out there, so I expressed my apologies before this Hon'ble Court.

4. Even though this court is not satisfied with the affidavits filed by the petitioner but noting the fact the petitioner has stated that he shall not file any petition without verifying the true facts and has tendered his unconditional apology, we are of the view that this petition should be dismissed but with a clear direction that petitioner shall not file any Public Interest Litigation in this court without the leave of the court. If such a petition is filed, the same shall be listed by the Registry along with this order, for the court to take a view.

5. The petition is dismissed on the aforesaid terms.

V. KAMESWAR RAO, J

CHIEF JUSTICE

OCTOBER 25, 2018/jg