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

+ W.P.(C) No. 948/2019

GAJRAJ SINGH

..... Petitioner

Through: Ms. Suman Chaudhary, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms. Sunieta Ojha, Adv. for SDMC.
Mr. Tarveen Singh Nanda, Adv. for
R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **29.01.2019**

CM APPL. No. 4271/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) No. 948/2019

The petitioner seeks directions to respondent No. 1/SDMC to remove alleged unauthorised construction raised by respondents Nos. 3 to 7 in plot bearing No. WZ-1 which is part of Khasra No. 177 situate in Village Palam, Delhi.

Ms. Sunieta Ojha, learned counsel for respondent No. 1/SDMC and Mr. T.S. Nanda, learned counsel for respondent No. 2/Commissioner of Police appear on advance copy and submit that a civil suit bearing no. 517873/2016 titled ***Gajraj vs. M/s Allied Engineers & Builders Pvt. Ltd. & Ors.*** is already pending before the District Judge, Dwarka Courts, New

Delhi in which the same relief as prayed for in this petition has been sought by the petitioner (who is plaintiff in the suit) against the respondents (who are defendants in the suit). Counsel for the petitioner does not dispute this submission.

The petitioner has therefore already invoked the alternate, efficacious remedy of a civil suit and is pursuing the same. In view thereof, there is no justification to entertain the present petition. The petition is therefore dismissed without issuing notice.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 29, 2019/uj