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

+ **W.P.(C) No. 1109/2019**

SHRI RAVINDER PAL SINGH Petitioner

Through: Mr. A.S. Dateer, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Kartik Jindal, Adv. for R1 to 4.
Ms. Shefali Vohra, Adv. for R6 & 7
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **04.02.2019**

CM APPL. No. 5043/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) No. 1109/2019 & CM APPL. No. 5042/2019 (for interim relief)

At the outset, Mr. A.S. Dateer, learned counsel for the petitioner submits that he wants to delete respondent No. 5/Monitoring Committee appointed by the Supreme Court in W.P. (C) No. 4677/1985 from the array of party-respondents.

The prayer is allowed. Respondent No. 5/Monitoring Committee is deleted from the array of party-respondents.

Mr. Kartik Jindal, learned Panel Advocate for respondents Nos. 1 to

4/ North DMC appears on advance copy. Ms. Shefali Vohra, learned Panel Advocate appears for respondents Nos. 6 and 7/Additional Commissioner – Police and SHO P.S. Subzi Mandi on advance copy.

Learned counsel appearing for respondents Nos. 1 to 4 points-out that, as stated in paragraph 8 of the writ petition, the petitioner has already filed a civil suit bearing CS No. 3011/2017 seeking the same relief against the same parties in respect of the self-same property, as in the present petition.

Paragraph 8 of the writ petition reads as under:

“8. That the Petitioner has left with no alternative but to file a Civil Suit No. 3011/2017 with a prayer that the two sale deeds which state false measurement may be declared as null and void and cancelled as per provisions of Section 31/32 read with Section 34 of Specific Relief Act, 1963 and Section 151 CPC. It was further prayed that the site plan which was sanctioned on the basis of false documents submitted on behalf of the alleged purchasers may be also cancelled. The Respondents were also arrayed in the said proceeding.”

(Emphasis Supplied)

The main prayer in this writ petition reads as under:

“to issue a writ of certiorari thereby quashing the impugned building plan, which was sanctioned vide sanction No. D-441/AE(B)/SPZ/16 dated 05.04.2016 w.r.t. file submitted vide file No. 16/SBP/SPZ/2016 dated 22.03.2016 and also completion-cum-occupancy certificate file No. 10050203 dated 08.06.2018 issued by Executive Engineer, North Zone, NDMC.”

On a perusal of paragraph 8 of the petition and the main prayer made therein, it is averred by respondents Nos. 1 to 4, that there is a substantial overlap if not identity as between the claims made in the civil suit filed by the petitioner and the prayer made in this writ petition.

Learned counsel appearing for the petitioner is unable to point-out any material distinction between the prayer in the suit and in this writ petition.

Accordingly, there is no reason or justification to entertain the present petition, which is accordingly dismissed, since the petitioner has already invoked an alternate, efficacious remedy on the same cause of action.

The petition is accordingly dismissed.

FEBRUARY 04, 2019/uj

ANUP JAIRAM BHAMBHANI, J.