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

Date of decision: 11th December, 2019

+ W.P.(C) 12336/2019

SHRI CHANDRASHEKHAR Petitioner

Through: Mr. Abhisht Hela, Adv.

Versus

NORTH DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Ms. Monika Arora, SC with Mr.
Harsh Ahuja and Mr. Kushal Kumar,
Mr. Ajjay Arora and Mr. Kapil
Dutta, Advs. for North Delhi
Municipal Corporation

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

11.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This so-called Public Interest Litigation (PIL) has been preferred with the following prayers:

“(i) Issue writ of mandamus or any other writ/ order/direction to the Respondent No. 1, for taking action against the Commercial properties bearing Plot No. E-1085, Saraswati Vihar Delhi 110034, Plot no. 184, Kohat enclave, Delhi-110034, , Plot no. 1, Kailash Enclave, Delhi-110034, Plot No. 19 Shop No. 2 &3, Kailash Enclave, Delhi-110034, as per law.

(ii) Keep check so that no such construction is carried out in the coming future; Appoint a local commissioner to assist the Respondent for demolition the unauthorised and illegal constructions/encroachment existing inside and outside the said properties, and or any other stricter/encroachment.

(iii) Pass such further or other orders as this Hon'ble Court may deem fit and proper.”

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that the petitioner is in search of demolition of the following properties:

(a) Commercial property situated at Plot No. E-1085, Saraswati Vihar Delhi 110034;

(b) Construction on the property situated at Plot no. 184, Kohat enclave, Delhi-110034;

(c) Construction on the property situated at Plot no. 1, Kailash Enclave, Delhi-110034; and

(d) Construction on the property situated at Plot No. 19 Shop No. 2&3, Kailash Enclave, Delhi-110034.

3. It appears from the facts of the case that this is not a “Public Interest Litigation” at all. Petitioner has targeted the aforesaid properties which belong to respondent no. 2/Rakesh Pahwa. This is absolutely a “Private Interest Litigation” or a “blackmailing type of litigation”.

4. Learned counsel appearing for respondent no. 1 submits that there are several such other properties similarly situated in the aforesaid area, but the petitioner has chosen only aforesaid four properties and that too such properties which are related to respondent no. 2 for the reasons best known to the petitioner.

5. Thus, it appears that petitioner is in search of demolition of already constructed properties, which are in the possession of different persons. The legality or otherwise of the construction cannot be decided in the writ petition with the help of annexures. Cogent and convincing evidences are to be led before the concerned authorities/tribunal/trial court. Even for the process of demolition, the respondents have to follow the procedure as established by law.

6. Moreover, the petitioner is a resident of Rani Bagh area, New Delhi as mentioned in the memo of parties; whereas the aforesaid properties are situated at Sarswati Vihar Kohat Enclave, Kailash Enclave, which are approximately 10 kms away from the residence of the petitioner. Thus, it appears that this is a blackmailing type of litigation. The legality and otherwise of the construction cannot be decided in the writ petition. We are not inclined to exercise our extraordinary jurisdiction vested under Article 226 of the Constitution of India, for the relief as prayed for in this writ petition.

7. On earlier occasion also, this very petitioner had preferred a writ petition being WP(C) no. 7567/2019 against a property, which was related to respondent no. 2/Rakesh Pahwa and the said writ petition was disposed of by this Court *vide* order dated 16th July, 2019.

8. Thus, it appears that the petitioner is only after the properties relating to respondent no. 2 for the reasons best known to the petitioner or it may be for blackmailing the respondent no. 2.

9. In view of these facts and reasons, we see no reason to entertain this writ petition and the same is hereby dismissed with costs of ₹10,000/- to be deposited by the petitioner with the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts Complex, New Delhi. The said

amount shall be utilised for the programme “Access to Justice”. The aforesaid amount shall be deposited by the petitioner within a period of four weeks from today. Copy of this order be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi-110001 for information.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 11, 2019

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