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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 17th September, 2019

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W.P.(C) 2424/2018

SH. DEEPAK KUMAR

..... Petitioner

Through: Mr. M. Husain, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Akhil Mittal, Standing Counsel
for NDMC/R-1 to 3.

Mr. Rizwan with Mr. Apoorv Singhal
& Mr. Samey Deen, Advs. for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

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

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to issue a writ of mandamus or any other appropriate writ, direction or order thereby:-

i) directing the respondents to enquire into the matter and ensure that their officials must act as per law, bye-laws of Municipal Corporation and Rules made there-under;

ii) the conduct of the officials of the respondents be enquired

into / probed and if found guilty, they be punished according to law for colluding and conniving with unscrupulous builders and owner;

iii) Pass any other order(s)/direction(s) as deemed fit on the facts and circumstances of the case.”

2. Having heard the counsel for the petitioner and counsel for the respondents, it appears that this is not a Public Interest Litigation at all. This is absolutely a black-mailing type of writ petition preferred by the petitioner just to harass the persons who are owners of the properties as enumerated in paragraph 6 of the memo of this writ petition.
3. When we raised a question to the counsel for the petitioner as to how the petitioner got information about the nature of construction of the properties which are enumerated in paragraph 6 of the memo of the writ petition, nothing could be pointed out by the counsel for the petitioner.
4. Looking to paragraph 6 of the memo of the writ petition, it has been mentioned that the petitioner has noticed the violation of the building bye-laws. The petitioner could not point out any right to information application and the reply by the respondents for any of the properties mentioned in paragraph 6.
5. Even otherwise also, the legality or otherwise of the construction cannot be decided in the writ petition.
6. The allegations levelled against several persons, as stated in paragraph 6 of the memo of the petition, and the owners/occupiers of these premises have also not been joined as party respondents.
7. Thus, it appears that this is not a Public Interest Litigation at all. This is a private interest litigation and, that too, like a black-mailing type of

litigation.

8. Hence, we see no reason to entertain this writ petition and the same is, therefore, dismissed with the costs of Rs.25,000/- (Rupees twenty five thousand only). This amount will be deposited in the Bank Account No.15530110000359, Registrar General Account, Juvenile Justice Centre SB, UCO Bank, Delhi High Court, New Delhi either by cheque or bank draft, within a period of six weeks from today, towards Juvenile Justice Fund. This amount shall be utilised by the Government of NCT of Delhi to perform duties under the Juvenile Justice Act, 2015 for the welfare of the juveniles.

9. A copy of this order will be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi – 110001.

10. With the aforesaid observation, the writ petition stands dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 17, 2019

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