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

Date of decision: 18th November, 2019

+ W.P.(C) 4696/2018 and CM No. 18069/2019

SANJAY

..... Petitioner

Through: Mr. Anurag Saha, Mr. Mukesh Kumar and Mr. Rajesh Kumar, Advs.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Anu Gupta, Adv. for R-1/EDMC

Mr. Anjum Javed, ASC-GNCTD with Mr. Devendra Kumar, Ms. Priti, Advs. for R-3 with SI Naeem Ali from PS Bhajan Pura Mr. Rishikesh Kumar, ASC and Mr. Premsagar Pal, Advs. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

18.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 4696/2018

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

“(a) Issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or

directions to the Respondent No. 1 to 4, thereby directing Respondents No. 1 to 4 to initiate demolition/sealing of property/Plot bearing No.D-170,Gali No.5, Bhajanpura, Delhi-110053 which has been constructed unauthorizedly and illegally defying all norms, law, rules and regulations prescribed in this regard and also to demolish other properties in the area which are constructed in a similar manner;

(b) Issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or directions to the Respondents thereby directing the Respondents to stop illegal constructions still going on at property/Plot bearing No.D-170,Gali No.5, Bhajanpura, Delhi-110053.

(c) any other orders/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this petitioner is in search of demolition of the property as narrated in this writ petition but this petitioner does not know who is the owner or the occupier of the premises in question. Petitioner is to keep in mind that whenever such type of prayer, as prayed for in the instant writ petition for demolition of the property, is made, the owner/occupier of the property in question required to be joined as a party/respondent. In the present case, no one is joined by name as a respondent no.5, resultantly nobody is appearing for

the respondent no.5 and hence this writ petition is hereby dismissed with liberty to the petitioner to file a fresh petition with all the particulars of the concerned parties.

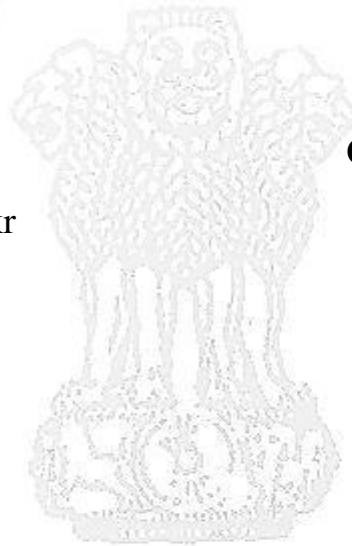
CM No. 18069/2019

3. In view of the disposal of the writ petition, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 18, 2019/kr



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