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

Date of Decision: 23.09.2019

+ W.P.(C) 4204/2018

RAVI KUMAR VERMA Petitioner

Through: Petitioner in person

versus

THE COMMISSIONER SDMC AND ANR Respondents

Through: Ms. Puja Kalra & Mr. Virendra
Singh, Adv. for SDMC

Mr. Rajat Aneja & Ms. Chandrika Gupta, Advs.
for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 34997/2019 (*Exemption*)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4204/2018

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

“1. To get demolished the illegal and unauthorized construction at the property bearing No. 389, Masjid Moth Village, Opp. Garg Store New Delhi-110049 as the illegal and

unauthorised building materially affects the right of safety and security to the general public which increase the death rates because the illegal and unauthorised building is dangerous to life of the general public as no completion and occupancy certificate is obtained by the owner of the illegal building, hence, there is no protection of lives of the public. The terror and fear in the mind of the general public have been locked as there is continuous apprehension of accident in the dangerous situation residents residing at vicinity so the illegal and unauthorised building is need to be get demolished in the welfare of public at large in interest of justice.

2. This is further prayed to kindly pass an order or direction to get suspended the officials of respondent who have nexus with the owners just to make illegal earning and vigilance enquiry be initiated against the corrupt officials of the respondent to punish in the interest of justice.”

2. We have heard the petitioner in person and counsel for the respondents, especially counsel for the South Delhi Municipal Corporation. It is submitted by the counsel for respondent No.1 that the property in question has been sealed. For the demolition of the said property, notice has also been given and some part of the aforesaid property has already been demolished. Thereafter respondent No.2 (owner of the super structure in question) has approached the appellate authority.

3. We have heard the counsel for the respondent No.2, who has taken this Court to various orders passed by this Court in different writ petitions like-

- (a) W.P.(C) 5931/2018 – order dated 18.12.2018 passed by this Court;
- (b) W.P.(C) 1681/2018 – order dated 11th March, 2019 passed by this Court.

4. Counsel for respondent No.2 has also taken this Court to the application filed by respondent No.2 being CM No.34996/2019 and especially page Nos.90 and 124 of this writ petition and has submitted that this petitioner is a chronic litigant and several observations have been made by this Court against this petitioner in the aforementioned two orders. It has also been submitted by the counsel appearing for respondent no.2 that there are several other writ petitions filed by this petitioner which are enumerated in CM APPL.34996/2019 and hence this writ petition may be treated as a private interest litigation and blackmailing type of litigation and not to be treated as public interest litigation.

5. As respondent No.1 - South Delhi Municipal Corporation has already taken action against the property in question like sealing of the property; issuance of demolition notice; and partly execution of the demolition order, at this stage, we see no reason to observe anything against this petitioner. Nonetheless, the fact remains that this petitioner is a chronic litigant. It is alleged by counsel for respondent No.2 that one FIR bearing No.295/2000 at Police Station Saraswati Vihar has been filed in which charge sheet has also been filed by the Police and the petitioner in this writ petition is one of the co-accused in the said FIR.

6. As South Delhi Municipal Corporation has already initiated action, we see no reason to monitor this case any further. Hence, this writ petition is hereby disposed of.

7. Needless to say that the appeal preferred by respondent no.2 shall be decided by the concerned appellate authority on its own merit, in accordance with law, rules, regulations and government policy applicable to the facts of the case.

CM APPL.34996/2019

8. In view of the final order passed in W.P.(C) 4204/2018, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 23, 2019
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