

9

Signature Not Verified

Signed By:RAM DATT
Signing Date:18.10.2024 16:10
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

\$~14 & 15

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

+ **W.P.(C) 8242/2017, CM Nos. 33908/2017 & 3741/2018**

GEETA SINGH

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: **Mr. Santosh Tripathi, ASC for
GNCTD**

Mr. Sanjeev Sabharwal, Adv. with

Mr. Hem Kumar and Ms. Busra

Waseem, Adv. for SDMC

Mr. Amit Bhagat and Mr. Amit

Dwivedi, Adv. for R12

Ms. Shamshravish Rein,

Ms. Maheravish Rein and

Mr. Aldanish Rein, Adv. for DSIIDC

AND

+ **W.P.(C) 6133/2018, CM No. 23772/2018**

THE KAPASHERA ESTATE RESIDENTS

WELFARE SOCIETY

..... Petitioner

Through: **Mr. Amit Bhagat and Mr. Amit
Dwivedi, Adv.**

versus

THE GOVERNMENT OF NCT OF DELHI

AND ORS.

..... Respondents

Through: **Mr. Satindr Singh, Adv. for R1**

Ms. Kanishka Prasad, Adv. for R4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

30.04.2019

1. The W.P.(C) 8242/2017 has been filed by the petitioner with the following prayers:

"In the facts and circumstances mentioned herein above, it is most humbly prayed that this Hon'ble Court may be pleased to:-

a) issue a writ/order/direction to Respondent Authority to immediately demolish the unauthorised and illegal iron-gates erected / installed /constructed by the Private Respondents between Farm No.6 and 7 on the common road in Kapashera Estate, New Dehlhi;

b) issue a writ / order /direction to the Respondent Authorities to immediately demolish the iron-pillars illegally erected / installed / constructed by the Private Respondents in front of Farm No.9 and at the corner of Farm No.2 on the common road in Kapashera Estate, New Delhi;

c) issue a writ / order / direction to the respondent Authorities to immediately remove the portable cabins illegally installed by the Private Respondents between Farm No.6 and 7 in from of Farm No.9 and at the corner of Farm No.2 on the common road in Kapashera Estate, New Delhi;

d) issue a writ / order / direction to the Respondent Authorities to launch prosecution against the Private Respondents for violation of S.320 of the Delhi Municipal

Corporation Act, 1957; and

e) issue a writ / order / direction to the Respondent Authorities to permanently restrain the Private Respondents from carrying out any such illegal construction / erection / installation on the common road in Kapashera Estate, New Delhi in the future; and

f) issue a writ / order / direction to the Respondent Authorities to permanently restrain the Private Respondents from carrying out any such illegal construction / erection / installation on the common road in Kapashera Estate, New Delhi in the future; and

g) Issue a writ / order / direction to the Respondent Authorities that the principles of guidelines dated 25.06.2007 should be applicable to all the public roads in Delhi; and

g) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Mr. Santosh Tripathi, learned ASC appearing for the GNCTD states that the gates against which the petitioner in W.P. (C) 8242/2017 has grievance, have been removed. It is his submission that in view of the removal of the gates nothing further survives in the writ petition. Learned counsel for the petitioner concedes to this submission of Mr. Santosh Tripathi.

3. But I find in W.P.(C) 6133/2018, the prayers read as under:

"In view of the facts and circumstances mentioned hereinabove, it is prayed that this Hon'ble Court may graciously be pleased to:

- i. Issue a Writ of Mandamus or any other Writ, Order or Direction in the nature of Mandamus or any other appropriate Writ, Order or Direction for directing the Respondent No.1 to frame regulations for the installation of Security Gates in Kapashera Estate for the safety and security of its residents; and*
- ii. Issue a Writ of Certiorari or any other Writ, Order or Direction in the nature of Mandamus or any other appropriate Writ, Order or Direction for directing the Respondent No.1 to reinstall the Security Gates which had been installed by the Petitioner Society; and*
- iii. Pass any other or such further order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the present case."*

4. If that be so, the writ petitions can be disposed of by directing the Kapashera Estate Residents Welfare Society to make a fresh application for installation of gates to the Sub Divisional Magistrate, Kapashera within one week from today.

5. On such application being made, the Sub Divisional Magistrate shall

give a hearing to the Kapashera Estate Residents Welfare Society as well as to Ms. Geeta Singh, petitioner in W.P.(C) 8242/2017. The parties shall be at liberty to take all pleas as available to them both on facts and in law and thereafter the Sub Divisional Magistrate shall decide the request of the Kapashera Estate Residents Welfare Society within a period of four weeks. For this purpose, this Court fixes the date of hearing as May 27, 2019 at 03:00 P.M before the Sub Divisional Magistrate.

6. It goes without saying that if any party is aggrieved by any order to be passed by the Sub Divisional Magistrate, the parties shall be at liberty to challenge the same in accordance with law.

7. The writ petitions are disposed of.

CM Nos. 33908/2017 & 3741/2018 in W.P.(C) 8242/2017
CM No. 23772/2018 in W.P.(C) 6133/2018

Dismissed as infructuous.


V. KAMESWAR RAO, J

APRIL 30, 2019/*aky*