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

+ W.P.(C) 12306/2018

SH. RANJAN KHATUMARIA

..... Petitioner

Through:

versus

SOUTH DELHI MUNICIPAL CORPORATION

AND ANR.

..... Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel with Ms. Swagata Bhuyan,
Ms. Shiva Pandey and Ms. Rikita
Ganju, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.05.2019

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to issue a writ, order or a direction in the nature of mandamus thereby: -

- i) Directing the respondent no.1 to remove the illegal encroachment committed by the respondent no.2 at MCD Park, Chaudhary TV Wale Ke Samne, Shyam Nagar, Delhi;*
- ii) Directing the respondent nos. 1 and 2 to remove the lock which is put by the respondent no.2 at the Gate of MCD Park, Chaudhary TV Wale Ke Samne, Shyam Nagar, Delhi;*
- iii) Pass any other or further order (s) / relief (s)*

which this Hon'ble Court may deem fit and proper in favour of the Petitioner and against the respondents, in the interest of justice.

A status report has been filed by the respondent no.1 SDMC, wherein they have stated as under:

“2. That the Horticulture Department West Zone received complaint on call from HQ/SDMC regarding encroachment in Park bearing No. 52, Shyam Nagar, Delhi Ward No.06-S/WZ. On receiving of complaint the Section Officer Horticulture Department West Zones / SDMC inspected the said park on 23.10.2018 and no encroachment was seen in said park. The photographs of the said park have been taken which are annexed herewith as Annexure – ‘A’ (Colly).

3. That the said park has been again inspected by the Section Officer on 12.12.2018 as per the direction of Hon'ble High Court vide its order dated 16.11.2018. The park was not locked and no encroachment was found in the park. During the inspection photographs of the said park have been taken which are annexed herewith as Annexure – ‘B’ (Colly).”

In view of the status report filed, which is accompanied by the photographs of the park in question, it is seen that there is no encroachment in the park as alleged by the petitioner in the petition. There is no appearance for the petitioner today. In fact, there was no appearance for the petitioner on January 30, 2019. It appears, the petitioner is satisfied with the stand taken by the SDMC in its status report.

In view of the status report, I deem it appropriate to close the writ

petition. Ordered accordingly.

V. KAMESWAR RAO, J

MAY 06, 2019*/jg*