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

Date of Decision: 19th November, 2019

+ W.P.(C) 11533/2017

BIRESH

..... Petitioner

Through: None

versus

THE LIEUTENANT GOVERNOR OF DELHI AND ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC (GNCTD)
with Mr. Deepak Srivastava, Adv. for R-1, 2, 4, 5
& 6

Mr. Rambir Chauhan & Mr. Paramveer Chauhan,
Advs. for R-7

Ms. Pooja Kalra & Mr. Virender, Advs. for
NDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

1. When the matter is called out, nobody appears for the petitioner. This so-called Public Interest Litigation has been preferred with the following prayers:

“a) Issue a writ in the nature of mandamus or any other appropriate writ or directions directing the Respondent Nos.1 to 6 to stop the illegal constructions and encroachment carried out by land mafia and land grabbers in khasra no.19/6/1 measuring 1 biga 14 biswas (1700 sq.yards) located at a prime location near to 100 futa main

Burari road in front of police station, Burari, Delhi is owned by "Sarkar Daiilat Madar"; and

b) Issue a writ of mandamus or any other appropriate writ or directions directing the Respondent Nos.1 to 6 to demolish the illegal and unlawful constructions in the land in question and after removing the such illegal construction, the said land to be restored for the agriculture purposes."

2. Having heard the counsel for respondent Nos.1, 2, 4, 5 and 6 as well as counsel for respondent No.7, it appears that two proceedings are already pending for the land in question. For ready reference paras 3, 4 and 5 of the affidavit dated 9th November, 2019 filed by respondent No.7 read as under:

"3. That the Writ Petition filed by the Petitioner is not maintainable and because the Petitioner has not approached the Hon'ble High Court with clean hands and concealed the material facts from the Hon'ble High Court.

4. That the writ Petition is not maintainable as it is further submitted that since the matter is sub judice before the D.C. Central as the review Petition is pending vide Diary No. 26405 dated 31.10.2018.

5. That the writ petition is not maintainable as the proceeding for the land in question are pending in the court of Revenue Assistant Civil Lines in case no. 1067/SDM/RA/CL/2018/7013 U/s 81 of Delhi Land Reforms Act hence the Writ Petition is not maintainable and same be dismissed."

3. In view of the aforesaid submissions, it appears that at two different places, the proceedings for the land in question are going on; one is pending before DC Central which is a review petition filed *vide* Diary No.26405 dated 31.10.2018 in which Gram Sabbha of Village Jharoda Majra, Burari, Delhi has challenged the allotment of the land to respondent No.7 and another proceeding is pending before the Court of Revenue Assistant, Civil

Lines under Section 81 of the Delhi Land Reforms Act in case No.1067/SDM/RA/CL/2018/7013.

4. In view of these two proceedings which are already pending, we see no reason to entertain this writ petition as a public interest litigation. Hence, there is no substance in this writ petition and the same is, therefore dismissed.

C.M. No. 46990/2017 (*Stay*)

5. In view of the final order passed in W.P.(C) 11533/2017, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 19, 2019
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