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

+ W.P.(C) 13684/2018 & CM APPL. 12176/2019

MANJINDER SINGH SIRSA

..... Petitioner

Through Mr. S.S. Ahluwalia, Mr. Mohit,
Advocates.

versus

GOVT. OF NCT AND ORS.

..... Respondent

Through Ms. Shobhna Takiar, Advocate for
R1, R3 & R4.
Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Advocates for SDMC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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31.07.2019

1. The present petition has been filed by the petitioner praying *inter alia* for removal of encroachment from PWD Road of AC-27 (Patel Chowk to Keshopur Sabzi Mandi), Subhash Nagar crossings to TC Camp Raghubir Nagar, SDMC Road from Pacific Mall to JJ Colony Khyala Bus Stand no. 830 via Punjabi Market and Gurudwara Chand Nagar Road; and Road no. 28 in front of Guru Gobind Singh Hospital to Murga Market, Raghubir Nagar.
2. Notice was issued on this petition on 20.12.2018. Pursuant thereto, the respondent no.2/SDMC had filed a counter affidavit on 20.04.2019, detailing *inter alia* the steps taken for removal of encroachment in the area in question and placing on record the encroachment removal action plan.

3. Mr. Aroraa, learned counsel for the respondent no.2/SDMC states that several steps have been taken over the past few months to remove the encroachment in the area. He states that removal of encroachment is an ongoing process and the SDMC shall continue taking steps to keep the area free of encroachment and the encroachers will not be permitted to return back. He however challenges the maintainability of the present petition on the ground that the petitioner is an elected member of Constituency No. 27, Rajouri Garden and the MLA in the Delhi Legislative Assembly and the prayers made in the present petition relate to the very same area from where he is an elected member. It is stated that the present petition ought not to be entertained in the light of the observations made by a Division Bench of this Court in the order dated 18.09.2006, passed in W.P.(C) No. 14742/06 entitled “Arti Mehra vs. MCD & Anr.” In the said petition, taking note of the fact that the petitioner therein was herself an elected member of the civic authority, had a number of platforms available to her for redressal of the grievances vented in the writ petition and was herself the protector of the interest of innumerable residents of her ward, being their elected representative, the Court had opined that it was not expected of such a person to approach the Court for relief. Learned counsel states that the petitioner in the captioned petition was a Municipal Councillor whereas the petitioner herein is on a higher pedestal, being an MLA of the area. A copy of the aforesaid order has been handed over to Mr. Ahluwalia, learned counsel for the petitioner.

4. Having regard to the submission made by the learned counsel for the respondent no. 2/SDMC that regular steps are being taken by the local authority to remove the encroachment in the area, and further, in the light of

the order referred to above, we do not propose to monitor the matter any further.

5. If the petitioner has a grievance, keeping in mind his stature and the authority that he commands, it is for him to ensure compliances by the respondent no.2/SDMC in the Constituency from where he has been elected. The petition is disposed of.

HIMA KOHLI, J

ASHA MENON, J

JULY 31, 2019/MK