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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 587/2020

INDER BHAN VERMA AND ORS.

..... Petitioners

Through: Mr. V.S. Dubey, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Sangeeta Chandra, Advocate for
respondent No. 1/SDMC
Mr. Madhu Sudan Bhayana,
Advocate for respondents No. 2 and 3
with SI Rahul, P.S. Lodhi Road, New
Delhi.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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04.03.2020

1. This is the third round of litigation initiated by the petitioner on the same cause of action. Prior thereto, 13 petitioners had approached the court claiming that they were squatting around Sai Baba Temple at Lodhi Road, by filing the WP (C) No. 994/2018. On 18.04.2018, learned counsel for respondent No. 1/SDMC had stated that petitioners have no right to squat in the area in question and that regular drives have been conducted to remove encroachment on the public land, whenever the squatters exceed 6 x 4 area, and occupied

the road. He had further stated that at that stage, no further drive was planned. As a result, Mr. Dubey, learned counsel for the petitioner had stated that he may be permitted to withdraw the said petition with liberty to approach the court in case the petitioners are dispossessed. The writ petition was dismissed.

2. Thereafter, when the respondents/SDMC had conducted a drive in the area on 19.08.2019, 9 encroachers including the petitioners herein were removed in the area of Sai Baba Mandir, Lodhi Road and the surrounding places. Learned counsel for the respondent hands over a copy of the letter dated 22.08.2019, addressed by the SDMC to the DCP of the area requesting that the area SHO must ensure that there is no encroachment by the encroachers. Enclosed with the said letter, is a list of the squatters who were removed by the SDMC which includes the four petitioners herein. The said documents are taken on record.

3. We may note that immediately after 19.08.2019, 15 petitioners including the four petitioners herein had initiated a second round of litigation by filing WP (C) No. 6320/2019, for seeking identical relief. Vide order dated 21.08.2019, we had declined to entertain the said petition on the ground that there was no change of circumstances or any new development for this court to entertain the said petition. At that stage, learned counsel for the respondent / SDMC had stated that the Town Vending Committee (TVC) had been constituted and the petitioners can submit their representation before the TVC.

4. It is pertinent to note that the petitioners have not filed a copy

of the order dated 21.08.2019 passed in WP (C) No. 6320/2019. They have not even bothered to make any averment in the writ petition relating to the second round of litigation initiated by them against the respondent. It is only because Ms. Sangeeta Chandra, learned counsel for the respondent/ SDMC has handed over a copy of the order dated 21.08.2019, that it has come to the notice of this court that this is the third round of litigation initiated by the petitioners. The said order is taken on record.

5. The petitioners seek to approach the court once again for directions to the respondent/SDMC not to harass them. Since they are no longer present at the site in question, there is no question of extending any protection to them. If they have any grievance, liberty has already been granted to them to approach the TVC for relief. We decline to entertain the present petition, which is dismissed alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

MARCH 04, 2020

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