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

+ W.P.(C) 1619/2020

SHRI KISHORE KUMAR

..... Petitioner

Through Mr.(name not given), Adv.

versus

DELHI JAL BOARD AND ORS.

..... Respondent

Through Mr.Rajiv R.Mishra, Ms.Suruchi
Yadav and Mr.Sanchit Bhushan, Advs. for R-1
Mr.Abhishek Sharma, proxy counsel for
Mr.Mukesh Gupta, Standing Counsel for SDMC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

12.02.2020

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This writ petition is filed by the petitioner seeking a direction to respondent No. 1/Delhi Jal Board to take action in respect of illegal water connection and further restrain R – 1 from giving any water connections at properties bearing nos. 147,148,149, Savitri Nagar, Malviya Nagar, New Delhi.

Learned counsel for respondent no. 2 has pointed out that the petitioner had earlier also filed a Writ Petition being W.P.(C) No.5165 /2017 which pertained to unauthorized construction raised at the said property. In the said Writ Petition a status report was filed by the Municipal Corporation of Delhi where it was pointed out that the said property was already booked for unauthorized construction under Section 343 and 344 of the DMC Act on 24.12.2004 and 17.4.2008. Further, demolition orders were passed on 07.01.2005 and 05.05.2008, respectively. However, it has also been pleaded

that the said property is both protected and is also subject to moratorium under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014. In this regard, it has been further pleaded that as and when the said moratorium will be lifted, necessary action for the same will be taken.

Learned counsel for the petitioner, however, states that the properties which are booked for unauthorized construction are not entitled to water supply. Hence, the counsel for the petitioner prays that water supply of the aforesaid properties should be disconnected.

It is clear that the relief sought in the present petition is intrinsically connected with the relief that was being sought and was the subject matter of the earlier Writ Petition filed by petitioner being W.P.(C) No.5165/2017.

At this stage, learned counsel for respondent no. 2 points out that earlier also W.P.(C) No. 192/2014 was filed by the petitioner which was disposed of on 16.04.2015 noting that the property is protected under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014. Against the said order, the petitioner had also filed an Letters Patent Appeal being LPA No.146/2016 which was also dismissed.

In my opinion, once the property is protected under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014, the beneficiary cannot be deprived of the benefit of the said statutory provision by resorting to disconnection of electricity and water supply. That would tantamount to acting against the spirit of the aforementioned statutory provisions.

Even otherwise, this appears to be another attempt by the petitioner to seek relief against the unauthorized construction said to have been carried

out by the private respondents, even though in the two earlier Writ Petitions no such relief was granted.

There is no merit in the petition and the same is dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

FEBRUARY 12, 2020
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