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

+ W.P.(C) 1835/2020 & CM APPL. No.6446/2020

SHAIENDRA KUMAR CHAUDHARY Petitioner

Through Mr.Mahender Chaudhary, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondent

Through Mr.Abhay Pratap, Adv. for NDMC/
R-1

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.02.2020**

This Writ Petition is filed by the petitioner seeking demolition of illegal and unauthorised construction raised by respondent No.2 over the suit property No. 312/3, 313/3, 314/3, Katra Gulkhan, Main Bazar Old Subzi Mandi, Delhi-110007.

A perusal of the petition shows that the petitioner is a resident of Govind Puri, Kalkaji whereas he seeks demolition/appropriate action against a property where alleged unauthorised construction is going on which is located at Subzi Mndi, Delhi. It is manifest that no personal injury has been caused to the petitioner to raise a grievance before this court.

In this context reference may be had to a judgment of the Division Bench of the Supreme Court in the case of ***Vinoy Kumar v. State of U.P. & Ors. (2001) 4 SCC 734***, where the Division Bench held as follows:-

“2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent

danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.”

In the present petition, the petitioner has not suffered personally by the said unauthorised construction nor any of his rights have been invaded. Hence, in light of the aforesaid judgment there is no merit in the present petition.

Petition is dismissed. All pending applications, if any, also stand disposed of.

JAYANT NATH, J.

FEBRUARY 19, 2020

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