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

+ W.P.(C) 2548/2020

YOGESH SAINI

..... Petitioner

Through Mr.Pranay Majumdar, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION
AND ORS.

..... Respondents

Through Mr.Vikrant N. Goyal & Ms.Akansha
Chaudhary, Adv. for R-1.
Mr.Rizwan & Mr.Sameydeen, Advs.
for R-4.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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04.03.2020

1. This writ petition is filed by the petitioner seeking the following relief:

“Issue appropriate writ(s), order(s) or direction(s) in the nature of writ of mandamus thereby directing the respondents no.1 and 4 to immediately take appropriate steps in accordance with law i.e. Delhi Municipal Corporation Act, 1957 to stop and demolish the illegal and unauthorized construction work being carried out by the respondents No.2 and 3 and to prevent further unauthorized construction by respondents No.2 and 3 in the property in question i.e. property measuring 156 sq. yards, situated at Saini Mohalla, Village Shahabad Mohammad Pur, New Delhi and lintel /chajja extended in the gali of the petitioner and also direct to the respondent No.2 and 3 to remove door, exhaust fans and window which are opened in the gali of the petitioners.”

2. Learned counsel for the respondent has pointed out that earlier also the petitioner had filed a writ petition seeking identical relief which has been dismissed as withdrawn with liberty to the petitioner to file appropriate suit.

3. The earlier writ petition being W.P.(C) No. 3244/2018 was disposed of on 10.01.2019. A perusal of the said writ petition would show that it has an identical prayer clause which reads as follows:

“Issue appropriate writ(s), order(s) or direction(s) in the nature of writ of mandamus thereby directing the respondents no.1 and 4 to immediately take appropriate steps in accordance with law i.e. Delhi Municipal Corporation Act, 1957 to stop and demolish the illegal and unauthorized construction work being carried out by the respondents No.2 and 3 and to prevent further unauthorized construction by respondents No.2 and 3 in the property in question i.e. property measuring 156 sq. yards, situated at Saini Mohalla, Village Shahabad Mohammad Pur, New Delhi and lintel /chajja extended in the gali of the petitioner and also direct to the respondent No.2 and 3 to remove door, exhaust fans and window which are opened in the gali of the petitioners.”

4. That the earlier writ petition being W.P.(C) No. 3244/2018 was disposed of with the following directions:

“Learned counsel for the petitioner submits that since the property against which the petitioner was aggrieved stands demolished and the remaining grievance of the petitioner relates to the respondent no.2 opening windows and doors on private land which is claimed to be owned by the petitioner, he does not wish to press the present writ petition and seeks leave to withdraw the same with liberty to file a substantive suit in respect of his right from the private land.
The petition is dismissed as withdrawn along with the pending application with liberty as prayed for.”

5. Now one year down the line, the petitioner has chosen to file this writ petition. In this writ petition it is claimed that the earlier writ petition was dismissed as withdrawn by the petitioner on the assurance of the respondent that they will continue to demolish all unauthorized construction built up by respondent Nos.2 and 3 which was in the shape of extension of lintel/chajja etc. However, the petitioner has claimed that the respondents 2 to 4 have failed to satisfy their assurance and have failed in removing the door, exhaust fan and window which opens in the gali of the petitioner which is actually the land of the petitioner.

6. This court vide order dated 10.01.2019 passed in W.P.(C) 3244/2018 had noted that the petitioner was satisfied regarding the steps taken by the respondent regarding the demolition carried out. The only issue that survived was opening of windows and doors on private land which was said to have been owned by the petitioner. Liberty was sought to withdraw the petition to initiate an appropriate civil suit with regard to his limited issue. Instead of doing the needful, the petitioner has chosen to file another writ petition seeking the same relief and agitating the same issues all over again.

7. The petitioner cannot be permitted to repeatedly file writ petitions seeking the same relief. There is no reason to entertain the present writ petition. The same is dismissed.

JAYANT NATH, J.

MARCH 04, 2020/st