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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6036/2020 & CM 21693/2020**

POONAM KUMARI

.....Petitioner

Through: Mr Paranjay Chopra and Mr Sunny
Srivastava, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION

THROUGH ITS COMMISSIONER & ORS. Respondents

Through: Ms Puja Kalra, Standing Counsel for
South DMC/R-1.

Mr Arun Kumar Varma, Senior
Advocate with Mr Aman Panwar and
Mr Mudit Gupta, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **07.09.2020**

The hearing was conducted through video conferencing.

1. This petition seeks the following relief(s):

“...a) Issue appropriate writ(s), order(s) of direction(s) in the nature of a writ or mandamus thereby directing/summoning the records of posting in the building department of South Delhi Municipal Corporation looking after Sainik Farm area in respect of all the senior officers/engineering staff (JE, AE, EE, SE, etc) and the Commissioner, Additional Commissioner and Deputy Commissioner Engineering holding office as such in SDMC during the period from 1st February, 2020 to 30.07.2020, and on consideration or the averments made in this writ petition and violation of Hon’ble High Court order dated 12.01.2001 to direct expeditious action by Chief Vigilance Commission.

b) To direct SDMC to carry out detailed investigation regarding fresh unauthorized construction upon property

bearing no.W-15/B-11, Sainik Farm, New Delhi.

c) To hold that minimum dereliction of duties on the part of concerned public servant in the form of respondent no.1 and 2 who were posted in the Sainik Farm area during 01.02.2020 to 30.07.2020 till date is large and apparent on the face of the record and hence on this short ground alone these officials must be shown the door/dismissed from service without going into the individual facts of building unauthorizedly constructed by the respondent no.2.

d) To direct the Commissioner, SDMC to conduct an inspect of property bearing No.W-15/B-11, Sainik Farm, New Delhi and submit status report about the present status;...”

2. The petition, as averred in paras 2 and 3, is based upon the information gathered from the public domain. The said paras read as under:

“...2. That the present writ petition is based upon the information gathered by the petitioner from the data available online on the website of GNCT of Delhi. Beside this the articles published in the daily newspaper regarding the menace of unauthorized construction in Sainik Farm area.

3. That at the outset it is submitted that the unauthorized construction in Sainik Farm area has always been in the highlight in the print media as well as electronic media and since the petitioner is residing nearby locality of Tigri, New Delhi, she is aware about the illegal construction which has never stopped inspite of the directions of this Hon'ble Court in the case titled W.P.(C) 6734/2000 Rajeev Malhotra v. Union of India whereby this Hon'ble Court vide its order dated 12.01.2001 has banned any form of construction in Sainik Farm....”

3. In effect the petitioner's concern is that the statutory authorities

should conduct themselves in a lawful manner. There is nothing by way of specific and confirmed information to necessarily infer, that the authorities concerned are not working in a legal manner.

4. The learned Standing Counsel for the Municipal Corporation submits that the property mentioned in the writ petition is already a subject matter of proceedings pending before this Court and the present petition would create a multiplication of the proceedings.
5. The Court would note that the petitioner is a resident of J.J. Camp, Tigri Colony, South Delhi, New Delhi-110062, which the Court is stated to be roughly six to seven kms away from where the alleged illegal construction is going on. Doubts are raised about her bonafides in filing this petition. Furthermore, apart from the fact that the petition is based only upon the newspaper reports, etc. the same cannot be the basis of a writ petition. The reliefs sought are more in the nature of a Public Interest Litigation ('PIL').
6. The Court is inclined to dismiss the present petition. However, at this stage, the learned counsel for the petitioner, upon instructions, seeks to withdraw the petition.
7. Accordingly, the petition, along with pending application, is dismissed as withdrawn.
8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

SEPTEMBER 07, 2020/rd