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

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Judgment delivered on: 06.12.2021

+ W.P.(C) 13845/2021

AMAN NEWS

..... Petitioner

versus

SDMC AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Ms. Archana Shahi, Advocate (through VC)

For the Respondent:

Mr. Ajjay Aroraa, Standing Counsel, SDMC with
Mr. Kapil Dutta and Mr. Rajat Rajoria Singh,
Advocate (through VC).

Mr. Wajeeh Shafiq, Standing Counsel, Delhi Waqf
Board with Ms. Ramsha Shan and Ms. Sabika
Ahmad, Advocates along with Ms. Shaista
Siddiqui, Law Officer, DWB (through VC)
Ms. Sangeeta Bharti, Standing Counsel, Delhi Jal
Board (through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks a direction to the respondent No.1 to disclose to whom notices similar to notice dated 08.10.2021 (issued to petitioner) has been served upon and also to submit as to how construction activity has been going on in Times of India building and what action has been taken against other encroachments on public land and further

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to HMJ Sanjeev Sachdeva.

W.P(C) 13845/2021

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seeks a restraint on the Respondents from taking any coercive action against the property of the Petitioner.

2. Notice dated 08.10.2021 records that pursuant to directions issued by the Division Bench of this Court by its order dated 16.07.2021 in W.P(C) 6649/2021 titled *Yuva Sangharsh Samiti vs. State of Delhi & Ors* and in order to ascertain the status of encroachment, a survey was carried out of the public street behind the Times of India building, ITO and during survey it was noticed that petitioner is one of the encroachers on public street and liable to be removed. Show cause was issued to the petitioner to show cause as to why action of removal be not taken.

3. Petitioner has already filed a reply to the said show cause notice.

4. Learned counsel appearing for respondent No.1 submits that show cause notice has already been disposed of as no title documents to the public land were produced by the petitioner. He further points out that petitioner had earlier filed a writ petition being W.P(C) 12919/2021 titled *Aman News vs. SDMC* seeking a stay on order dated 16.07.2021 passed by the Division Bench of this Court, which petition was dismissed as withdrawn on 17.11.2021.

5. Learned counsel submits that there is material concealment as there is no disclosure of the earlier petition in this petition.

6. Learned counsel appearing for the petitioner submits that the Division Bench was misled in passing the order dated 16.07.2021 and a review petition has already been filed before the Division Bench and even an appeal has been filed against the said order.

7. Be that as it may, since the Corporation is taking action based on the directions issued by the Division Bench by its order dated 16.07.2021 (supra) and petitioner has already approached the Division Bench and as stated, also filed an appeal against the said order, a petition under Article 226 of the Constitution of India would not be maintainable. The petition is accordingly dismissed.

8. All rights and contentions of parties are reserved.

SANJEEV SACHDEVA, J.

DECEMBER 06, 2021

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