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

+ **W.P.(C) 11772/2023**

SUBHASH & ORS.

..... Petitioners

Through: Mr. J.K. Sharma with Mr. S. Tokas,
Ms. Dimple Sirohi, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Santosh Kr. Tripathi, Standing
Counsel for GNCT with Mr. Arun
Panwar, Mr. Pradyumn Rao, Mr.
Utkarsh Singh, Mr. Kartik Sharma,
Mr. Prashansa Sharma, Mr. Rishabh
Srivastava and Ms. Nikita Vir,
Advocates for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.01.2024**

(The proceeding has been conducted through Hybrid Mode)

1. This writ petition under Article 226 of the Constitution of India has been filed, *inter alia*, seeking the following reliefs: -

“A. Issue an appropriate writ(s), order(s) or direction(s) in the nature of mandamus, certiorari or any other appropriate writ to recall of the impugned letter dated 29.4.2022 and declare the piece of land measuring 3014 SQ YARD AT GALI NO.2 PUSTA NEW USMANPUR DELHI park and further direct the Respondents to provide the basic amenities as necessary to maintain a park; and

B. Pass any such further order deemed fit and proper in the facts and circumstances of the case.”

2. Learned counsel on a pointed query by this Court as to what is the



locus to maintain the present petition inasmuch as the petitioners do not espouse to be the owner of the subject land, submits that the petitioner along with other residents of the village have been using the subject land as a park and as such seek the prayers made in the writ petition.

3. This court has perused the writ petition as also heard the learned counsel for the parties. In the considered opinion of this Court the petitioners, who are residents of the village Usmanpur appear to be espousing a public cause and do not have any personal or direct interest in the said property nor have they filed anything on record to show any ownership/ title document or anything over the subject land.

4. It is apparent that the said cause which the petitioners are espousing is public in nature and not private litigation as such the present petition is dismissed as not maintainable giving opportunity to the petitioner to re-file the same under the appropriate proceedings.

5. The petition is dismissed with no order as to costs.

TUSHAR RAO GEDELA, J

JANUARY 29, 2024/hs