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

+ **W.P.(C) 13871/2022 &CM APPL. 53460/2022**

PRADEEP KAUR

..... Petitioner

Through: Petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents

Through: Ms. Puja Kalra, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.03.2024

1. The petitioner who appears in person submits that the main relief which she is agitating in the present petition is the grant of monetary compensation by the respondents to the petitioner. She submits that as of now, she is not desirous of pursuing the other reliefs sought in the present petition.

2. In *Taskinuddin & Ors. v. State (NCT of Delhi) &Anr.*¹, it has been held by this Court as under:

*“41. It is well settled by now that a writ court can award compensation while exercising the extraordinary constitutional jurisdiction. The question has been dealt with extensively by the Supreme Court in **Rudul Shah Vs. State of Bihar** (1983) 3 SCR 508, **Smt Nilabati Behera v State of Orissa &Ors** (1993) 2 SCC 746, **D.K Basu v Union of India** (1997) 1 SCC 416, **Chairman, Grid Corporation of Orissa Ltd (GRIDCO) and Ors (Supra)**, **Tamil Nadu Electricity Board v Sumathi and Ors** (2000) 4 SCC 543 , **S.P.S Rathore V State of Haryana** (2005) 10 SCC 1 and by this court in **Jaipur Golden** (supra) and **Kamla Devi** (supra).*

¹2013:DHC:4559



42. The position that emerges from the aforementioned decisions is that at least in cases, where the relevant facts are not in dispute; there is established negligence in the acts and omissions of the respondent authority / authorities on the face of the record, and; there is consequent deprivation of a fundamental right of the petitioner, the writ court may award monetary compensation.”

3. Considering that the present case involves several disputed factual issues, it would not be apposite for this Court to embark upon the exercise of assessing and awarding damages (if any) to the petitioner, in these proceedings.

4. Accordingly, the present petition is disposed of with liberty to the petitioner to file a civil suit seeking appropriate relief.

SACHIN DATTA, J

MARCH 6, 2024/dk