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

\+ W.P.(C) 12182/2019

GRAM SUDHAR SAMITI (REGD.) ..... Petitioner

Through: Mr. N. S. Dalal, Mr. Alok Kumar, Ms. Rachna Dalal, Advocates

versus

GOVT. OF N.C.T. OF DELHI AND ORS. ..... Respondents

Through: Mr. Rishikesh Kumar, ASC, GNCTD, Ms. Sheenu Priya, Mr. Atik Gill, Mr. Sudhir Kr. Shukla, Mr. Sudhir, Advocates for GNCTD
Mr. Tamim Qadri, Advocate for R-3

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

O R D E R

% **14.02.2024**

1. The present writ petition is filed under Article 226 of the Constitution with the following prayer which reads as under:-

(i) Issue an appropriate writ, order or direction thereby directing the appointment of a Committee under the Chairmanship of Chief Secretary of Govt. of N.C.T. of Delhi to probe into the circumstances of allowing the encroachment over the public land of Khasra No.338 measuring 5 bighas 6 biswas, situated in the revenue estate of Village Dindarpur, New Delhi;
(ii) Issue an appropriate writ, order or direction thereby directing the Commissioner, South Delhi Municipal Corporation to personally investigate as to the circumstances in which the boundary wall and road has been constructed over the public land of water body, qua which it has no right and concern;
iii) Issue an appropriate writ, order or direction thereby directing the Respondent/S.D.M.C. to place on record all the documents

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including authorization, if any, for spending of the amount over the public land and the persons responsible for allowing the same;
(iv) Issue an appropriate writ, order or direction thereby directing the Chief Secretary, Govt. of N.C.T. of Delhi, to investigate as to why in spite of letter written by the Dy. Commissioner in the year 2004, no action has been taken by its officials to retrieve the situation and to remove the boundary wall and the road constructed;
(v) Issue an appropriate writ, order or direction thereby directing the initiation of appropriate action departmentally and criminal against the officials of M.C.D. who are responsible for spending the amount along with reimbursement of the same from their pocket;
(vi) Issue an appropriate writ, order or direction thereby directing the Chief Secretary, Govt. of N.C.T. of Delhi, to take action-civil and criminal, against all the officials who failed to protect the public land of Khasra No.338 measuring 5 bighas 6 biswas, situated in the revenue estate of Village Dindarpur, New Delhi and allowed the encroachment and misuse by M.C.D.;
(vii) Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioner and against the Respondents;

2. The counsel for the petitioner seeks permission to withdraw the present petition due to subsequent event but with the liberty to file the fresh petition in altered circumstances. The liberty as prayed for is granted.

3. The present petition is allowed to be dismissed as withdrawn.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 14, 2024
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