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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10499/2024**
JAI DURGA RESIDENTIAL WELFARE ASSOCIATION (REGD.)
.....Petitioner

Through: Mr.Vivek Gupta, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondent

Through: Mr.Parvinder Chauhan, SC with
Mr.Amit Bhardwaj and Ms.Mahima
Anand, Adv for R-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **31.07.2024**

1. The petitioner has filed the instant petition seeking the following reliefs:-

" I. Pass a writ of mandamus, order or direction thereby directing the respondent no. 02 to conduct a fresh survey of the subject site forthwith, and;

II. Pass a writ of mandamus, order or direction thereby directing the respondents to identify and demolish the Jhuggies that came into existence at the subject site after 01.01.2015 forthwith, and;

III. Pass a writ of mandamus, order or direction thereby directing the respondents to take necessary steps in terms of Delhi Slum & JJ rehabilitation Policy, 2015 in order to get the identified Jhuggi- Jhopri cluster demolished forthwith, and;

IV. Pass a writ of mandamus, order or direction thereby directing the respondent no. 01 to take action against the illegal meat shops forthwith as stated in the reply dated 12.02.2024, and;

V. Pass a writ of mandamus, order or direction thereby directing the respondent no. 01 to reconstruct the 30 feet wide road forthwith, and;

VI Pass any other order which this Hon'ble Court deems fit to pass in facts and circumstances of the present case, in favour of the petitioner."

2. The facts of the case show that on 18.03.2017, a civil suit was instituted



before the learned Civil Judge at Rohini Courts, Delhi seeking the demolition of Jhuggis, which was subsequently withdrawn on 05.06.2018. Thereafter, a Public Interest Litigation (PIL) was filed in the form of a writ petition being W.P.(C) 6792/2020, praying for taking necessary action towards demolition.

3. This Court *vide* order dated 22.09.2020 disposed of the writ petition with the following directions to the respondent-NDMC:-

“7. In the circumstances, this petition shall be treated as the petitioner’s representation by the Corporation. The petitioner shall be heard within two weeks from today and the Corporation’s decision shall be communicated to the petitioner in two weeks thereafter. In case the petitioner is aggrieved by the decision of the Corporation, it may pursue such legal remedies as may be available in law.”

4. Furthermore, a Contempt petition i.e. Cont. Case (C) 773/2020 was heard by this Court, wherein the respondents were directed to file a status report setting out compliance of the order dated 22.09.2020 and were granted time to take necessary steps, as previously directed. The respondents therein referred to the stay order dated 09.05.2018 passed in W.P.(C) 5016/2018.

5. Learned counsel for the petitioner submits that W.P.(C) 5016/2018 was dismissed in default on 16.05.2023. Consequently, the petitioner has approached this Court in the instant writ petition seeking the aforesaid relief.

6. It has evidently come to the notice of the Court that W.P.(C) 5016/2018 was dismissed for want of prosecution due to the petitioner’s non-appearance. Furthermore, it is apparent that the petitioner has been pursuing multiple remedies across different forums including a civil suit, writ petition, and contempt petition. When questioned regarding the multiplicity of actions and the rationale behind such an approach, the petitioner failed to provide any reasonable explanation.

7. Upon a meticulous review of the facts and circumstances of the present



case, and after due consideration of the submissions advanced by the petitioner, it is apparent that the petitioner has failed to adduce any cogent and coherent justification for his non-appearance in the earlier proceedings. The precedent established in ***Union of India v. Ram Charan***³, states that when a party, having previously abstained from appearing, subsequently seeks to participate in the proceedings, it is incumbent upon such party to furnish reasons that are both cogent and satisfactory to the Court. In the instant matter, the petitioner has conspicuously neglected to provide any such justification for his prior non-appearance.

8. In light of the absence of a sufficient cause or reason proffered by the petitioner, coupled with the existence of multiple proceedings pertaining to the same issue, this Court is disinclined to entertain the present writ petition. Consequently, the writ petition stands dismissed.

PURUSHAINdra KUMAR KAURAV, J

JULY 31, 2024/MJ

³1963 SCC OnLine SC 247