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

+ **W.P.(C) 10973/2024**

**ANITA JAIN**

.....Petitioner

Through: Mr. Rakesh Chander Agrawal, Mr. Anurag Ahaluwalia, Mr. Sandeep Dhanuka, Mr. Kartik Kumar Agrawal and Mr. Shivansh Nagpal, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI & ORS.**

.....Respondents

Through: Ms. Shivangi Kumar and Ms. Neha Rao, Advs. for R-1.  
Mr. Narender Bhadari, Mr. Himanshu Chaudhary, Mr. Lakshay Chauhan and Mr. Sparsh Sharma, Advs. for R-2 & 3.  
Mr. Abhishek Yadav, SPC for UoI.  
With Sub Insp. Gajal Chugh.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**ORDER**

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**03.09.2024**

1. The nature of relief prayed for in the instant writ petition reads as under:-

*“a. Issue a writ of MANDAMUS or any other appropriate Writ to Respondent No. 1 to initiate an appropriate action against the respondent no 2 & 3 for not taking any action qua the complaints as filed by the petitioner time to time against the respondent no 2 & 3.*

*b. Issue a writ of Mandamus and pass an direction in the nature to the respondent no 4 to take necessary steps for illegal acts of the respondent no 2 & 3, which is also encroachment of livelihood or the Right to Life and Liberty of petitioner and her family members, for which Hon'ble High Court has power under Article 226, and carry out panel proceedings and monitor this case closely while the respondent no 1 as well as respondent no 4 works on it, so that through this exemplary case, right direction could*



*be given to the petitioner humanity Incidentally, and credibility of the Indian Constitution is upheld.*

*c. In the alternative the direction be given to the respondent no 1 & 4 to treat the present writ as a final representation of the petitioner and decide the course of action against the respondent no 2 & 3 and their associates within the time bound period and report to this court accordingly.”*

2. The status report has been filed by the Inspector Mukesh Rana PS: Krishna Nagar which states that on receiving information regarding obstructions in *gali* and neighbour using abusive language, Inquiry Officer went to the spot and found that there was only altercation in the common passage with the neighbour and no cognizable offence was found to be committed.
3. It is thus seen that if the petitioner has any grievance with respect to the encroachment over the Government land, the petitioner can either approach the Special Task Force or can also institute proceedings before the Executive Magistrate in terms of Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The Writ Court, however, in Article 226 of the Constitution of India cannot be expected to resolve the aforesaid trivial and recurring issues.
4. Leaving that liberty in favour of the petitioner, the Court disposes of the instant writ petition.
5. Needless to state that if the petitioner takes up any proceedings in accordance with law, the same shall be dealt with expeditiously.
6. The petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J.**

**SEPTEMBER 3, 2024/p**