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

+ W.P.(C) 13302/2024

VED PRAKASH

.....Petitioner

Through: Ms. Manpreet Kaur, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Ms. Puja S. Kalra, SC with Mr.
Virendra Singh, Advocates with
Mr. Amit Chaurasiya.
Mr. Abhishek Khanna, Mr. Kapil
Yadav, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.12.2024

CM APPL. 71347/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 71346/2024 (for directions)

1. The petitioner filed this writ petition for the following relief:

“(a) issue a writ of mandamus or any other appropriate writ, order or direction in the nature thereof, thereby directing the respondent No.1 to 4 to take immediate action against the Respondent No.5 to 7 for illegally encroaching on the public passage/road and running illegal eating house and food corner by the name of "Sharma Corner" & "Veeru Fast Food & Chicken Corner" from the property bearing No.4365, Gali No.58, Raigar Pura, Karol Bagh, New Delhi- 110005;”

2. By order dated 23.09.2024, the petition was disposed of in terms of the judgment of this Court dated 20.08.2024 in W.P.(C) 11400/2024 (*Sh.*



Nilabh Sharma vs. Municipal Corporation of Delhi), with the following directions:

“5. In view of the aforesaid, instead of keeping this petition pending on its Board, this Court grants liberty to the petitioner to approach the concerned Executive Magistrate in terms of Section 152 of the Sanhita. If the petitioner does so, let the same be dealt with by the competent authority in accordance with the law.”

3. The petitioner claims to have approached the Sub-Divisional Magistrate in terms of the aforesaid directions. However, he has filed this application, contending that action has not been taken by the Executive Magistrate. The relief sought in the application is as follows:

“a) Direct the Respondent No.1 to 4 to take immediately steps against the Respondent No.5 to 7 for their illegal encroachment and illegal eating house and chicken corner;”

4. It is evident that the directions sought in this application are substantially identical to the directions sought in the writ petition. Once the writ petition has been disposed of, relegating the petitioner to his remedies before the Executive Magistrate, such an application for the same relief is not maintainable in the disposed of writ petition.

5. The application is therefore disposed of, with liberty to the petitioner to pursue such alternative remedies as he may be advised, further to the order of this Court dated 23.09.2024.

PRATEEK JALAN, J

DECEMBER 6, 2024

“Bhupi/JM”/