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

+ W.P.(C) 13495/2024, CM APPL. 56450/2024 & CM APPL. 56451/2024

SAVE INDIA FOUNDATION (REGD.)Petitioner
Through: Mr. Umesh Sharma, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.Respondents
Through: Mr. Harshit Chopra, Advocate for R-1.
Mr. Nishant Gautam, CGSC with
Ms. Sanjana Mehrotra, Mr.
Mayank Sharma, Mr. Ajay
Kanojiya and Mr. Rudra Rout,
Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
25.09.2024

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1. The present petition is filed by a trust, in respect of encroachment upon government land. An enumeration of the list of properties where the petitioner seeks action against illegal encroachment is given at page 20 of the petition.
2. On the question of the *locus* of the petitioner, learned counsel for the petitioner states that, although the averments in the writ petition are to the contrary, the petition is in the nature of a Public Interest Litigation ["PIL"] on behalf of the residents of the neighbourhood, as the trustee of

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the petitioner – trust is also a resident of the same locality.

3. Mr. Harshit Chopra, learned counsel for the respondent - Municipal Corporation of Delhi [“MCD”] disputes this contention and states that the address given by the petitioner in the memo of parties is at least 10 to 15 kms away from some of the properties mentioned at page 20.

4. In any event, after some hearing, learned counsel for the petitioner seeks permission is withdraw this writ petition with liberty to approach the Special Task Force [“STF”], constituted by the Supreme Court by orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017] and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

5. The petition, alongwith the pending applications, is dismissed as withdrawn with liberty as aforesaid. If there is any further grievance, Mr. Sharma states that the petitioner will approach this Court in its PIL jurisdiction.

6. It may be noted that the list of properties filed by the petitioner includes ten properties, all of which are stated to be masjids. Learned



counsel for the petitioner states that the petitioner trust is working on religious lines and he does not wish to proceed against any other illegal encroachment in the locality in question. As the petition is being dismissed as withdrawn, no further observation is required on this aspect, at this stage.

PRATEEK JALAN, J

SEPTEMBER 25, 2024
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