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

+ W.P.(C) 10863/2017 & CM APPL. 44495/2017 (stay)

SUNIL KUMAR SOOD & ORS.Petitioners

Through: Mr. Santosh Ramdurg, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Through: Ms. Puja Kalra, SC for MCD.
Mr. Divyam Nandrajog, Adv. for
GNCTD with Mr. Prakhyat Gargasya,
Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.07.2024

1. This petition has been filed seeking the following reliefs:

“a) Issue an appropriate writ, order or direction against the Respondents restraining them from construction, installation and operation of Fixed Compactor Transfer Station ("FCTS") in the premises of JE (Maintenance) Store, Ward No. 29-S, Bindapur, Delhi.

b) Quash and set aside the notification dated 26.06.2017 issued by EE(EMS)/WZ (Annexure P-2)”

2. The status report filed by the respondent would indicate that during the pendency of the instant petition, the construction with respect to the Fixed Compactor Transfer Station [“FCTS”] has already been made and the same is already functional.

3. Learned counsel appearing for the petitioner, however, seeks liberty to allow him to amend the instant writ petition to challenge the said



construction.

4. At this stage, the Court is unable to accede to the said prayer. The petition has been pending since 2017 and no such steps seem to have been taken by the petitioner during the pendency. However, the Court deems it appropriate to reserve the liberty in favour of the petitioner to take appropriate remedy before the competent authority or to file a civil suit, if he so desires

5. With the aforesaid observations, no substantial relief can be granted at this stage, in the absence of there being a challenge made to the construction which has already been made during the pendency of the instant petition.

6. In view of the aforesaid, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 9, 2024/p