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

+ W.P.(C) 5863/2025 & CM APPL. 26822/2025

MOHDSALEEM

.....Petitioner

Through: None.
versus

THE COMMISSIONER OF MCD AND ORS.

.....Respondents

Through: Mr. Tarunvir Singh Khehar, Adv. for
MCD
Mobile: 9910122225

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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16.09.2025

1. None appears for the petitioner when the matter is called out.
2. Learned counsel for the Municipal Corporation of Delhi ("MCD") submits that a suit, being *Civil Suit No. 811/2023*, titled as "*Mohd. Saleem Versus The Commissioner of MCD & Ors.*", is already pending before Sr. Civil Judge, Shahdara District, Karkardooma Courts, Delhi, having been filed by the petitioner herein. Thus, he submits that on the same cause of action, two proceedings cannot continue.
3. He further draws the attention of this Court to the prayer made in the present writ petition, and submits that personal allegations have been made against certain persons, with respect to parking of the vehicles.
4. He submits that the MCD, as such, cannot take any action with respect to parking of the vehicles.
5. This Court notes that the petitioner herein has already filed a suit before the Shahdara District Courts, Karkardooma, wherein, prayers have been made in the following manner:



“a) Pass a decree of mandatory injunction to remove the illegal parked vehicle in the Gali and Road of D-Block, New Jafrabad, Shahdara, Delhi-110032, which are specifically shown in red colour, by passing order with the directions to the local police as well as the officials of MCD to remove the said vehicles and directions be issued to the defendant no. 5 not to park the illegal vehicles in the Gali and Road unsystematically of the D-Block, New Jafrabad Delhi-110032 in any manner, shown in red colour in the site plan.

b) Pass a decree of permanent injunction in favour of the plaintiff and against the defendants thereby restraining the defendants, their legal heirs, representatives, successors, attorney, wife, servants, employees, children to restrain them from parking the house bearing no. D-47, New Jafrabad, Delhi-110032 which is specifically shown in red colour in site plan and restraining the defendants from causing any injury, assault or from his arrest by the police in any false case as threatened by the police by passing a decree of permanent injunction and the defendants kindly be restrained not to park the illegal vehicle in future in the Street and Road of D-Block, New Jafrabad Delhi.

xxx xxx xxx”

6. This Court notes that in the present writ petition, prayers have been made in the following manner:

*“i. Issue appropriate Writ, Order or Direction, in the nature of Mandamus to direct the Respondents to take steps to remove the illegal vehicles parked in the Gali and Road of D-Block, New Jafrabad, Shahdara, Delhi-110032, **and/or***

*ii. Issue appropriate Writ, Order or Direction, in the nature of Mandamus to direct the Respondent No.5 not to park the unauthorized vehicles in the Gali and Road of D-Block, New Jafrabad, Shahdara, Delhi-110032 unsystematically, in any manner, **and/or***

iii. Issue appropriate Writ, Order or Direction, in the nature of Mandamus to direct that the Civil Suit bearing no. 811 of 2023 shall be disposed off expeditiously in the interest of justice.

xxx xxx xxx”

7. Noting the aforesaid, since a civil suit is already pending with respect to the same cause of action, the present writ petition, along with pending application, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 16, 2025/au