

(2019) 11 DEL CK 0458

In the Delhi High Court

Case No : Letters Patent Appeal No. 741 Of 2019, Civil Miscellaneous No. 50907, 50908 Of 2019

Ajeet Sood

APPELLANT

Vs

Commissioner, North Delhi Municipal Corporation

RESPONDENT

Date of Decision : 26-11-2019

Acts Referred:

Citation : (2019) 11 DEL CK 0458

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C.Hari Shankar, J

Bench : Division Bench

Advocate : Anilendra Pandey, Akhil Mittal

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

CM No. 50908/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application is disposed of.

LPA 741/2019

1. This Letters Patent Appeal has been preferred by the original petitioner in W.P. (C) 7823/2019 which was disposed of by the learned Single Judge vide judgment and order dated 20th September, 2019 (Annexure A-7 to the memo of this appeal).

2. Having heard the learned counsel for the appellant (original petitioner) and looking at the facts and circumstances of the case, we see no reason to entertain this Letters Patent Appeal for the following reasons:

(a) This appellant (original petitioner) has prayed for demolition of 43 properties without arraying the owners/occupiers of the superstructures as necessary party/

respondents in the writ petition.

(b) The learned Single Judge vide order dated 22nd July, 2019 had directed the appellant (original petitioner) in the writ petition, to file the amended memo of parties after joining the owners/occupiers of the properties as necessary parties. Despite the specific directions, the amended memo of parties was never filed by this appellant in the writ petition.

(c) The learned Single Judge had further directed this appellant (original petitioner) to file an affidavit annexing therewith necessary documents showing that he is a resident of House No. 8138, Arakshan Road, Gali No.6, Multani Dhanda, Pahar Ganj, New Delhi. However, no such affidavit was filed.

(d) Thus, it appears that the appellant had filed the writ petition only to blackmail and to extort money from the concerned parties whose properties were to be demolished upon his prayers.

(e) Moreover, this appellant (original petitioner) had also pointed out certain documents before the learned Single Judge and it was found that the addresses to the same did not tally/match with the addresses so mentioned in the writ petition. Thus, it appears that the writ petition was preferred only with a view to get/coin the money from the owners/occupiers of the said superstructures. Further, the appellant (original petitioner) is not even a resident of the locality where the said 43 houses in question are situated.

(f) Looking at the order dated 20th September, 2019 passed by the learned Single Judge, we are of the opinion that no error is committed by the learned Single Judge in finally disposing of WP(C) No. 7823/2019,, hence, we see no reason to interfere with the same.

3. We therefore dismiss this appeal with costs of Rs. 25,000/- to be deposited with the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi. The said amount shall be utilised for the programme "Access to Justice". The aforesaid amount shall be deposited by this appellant (original petitioner) within a period of four weeks from today.

3. Copy of this order be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi-110001 for information.

CM No. 50907/2019

1. In view of the dismissal of the appeal, this application also stands disposed of.