

(2019) 10 DEL CK 0305

In the Delhi High Court

Case No : Civil Writ Petition No. 11220 Of 2019

Bhanu Pratap Singh

APPELLANT

Vs

Govt. Of Nct , Delhi & Ors

RESPONDENT

Date of Decision : 22-10-2019

Acts Referred:

Citation : (2019) 10 DEL CK 0305

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

Bench : Division Bench

Advocate : Shakil Akhtar, Jamal Akhtar, Amrit Pal Singh

Final Decision : Dismissed

Judgement

D. N. Patel, CJ

C.M.No.46185/2019 (exemptions)

Allowed, subject to all just exceptions.

W.P.(C) 11220/2019

1. This so called public interest litigation has been preferred with the following prayers:

"(a) allow the present Writ Petition (Civil) and direct the respondents to stop, seal and demolish the unauthorized and illegal construction of the multi-story building going on at the aforesaid Property No.602- D/19, Near Kali Mandir, Ward No.3, Khasra No.1151/3, Mehrauli, New Delhi admeasuring 2100sq.yards, by issuing the writ of mandamus or any other appropriate writs in the above captioned writ / petition, from this Hon'ble High Court;"

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the present writ petition has been preferred for demolition of unauthorized illegal construction bearing Property No.602- D/19, Near Kali Mandir, Ward No.3, Khasra No.1151/3, Mehrauli, New

Delhi.

3. Learned counsel appearing for the petitioner submitted that the owner of the aforesaid property is one Sh. Nandu Pandit and the said property is illegal and unauthorized construction and hence it need to be demolished.

4. When we raised a query that how the petitioner came to know about the legality or otherwise of the construction in question, it is submitted by counsel for the petitioner that the petitioner is residing at Vasant Kunj which is though far away from the aforesaid area of Mehrauli but the petitioner is regularly passing through the road where the aforesaid construction is going on. This is how he came to know about the illegality of the construction. It is also submitted by the counsel for the petitioner that some unknown officials of the respondents have also conveyed to the petitioner about illegality of the construction at the property in question.

5. It appears that this is not a public interest litigation but a blackmailing type of litigation. Hence, we see no reason to entertain this writ petition.

6. The owner of the property is not joined as a party respondent, nor the petitioner has any knowledge of the illegality of the construction. No attempt has been made to get the maps etc. from the respondents. No document is on record which prima facie reveals that the construction in question is unauthorized construction.

7. Even otherwise also, all cannons of arguments are raised against the owner of the property in question who is one Nandu Pandit and without joining him as a party, this petition has been filed. Therefore, no action can be initiated for demolition of the property in question.

8. With these observations, this writ petition is dismissed with costs of Rs.10,000/- to be deposited with Delhi State Legal Services Authority within six weeks from today.

9. A copy of this order be also sent to the Member Secretary, Delhi State Legal Services Authority.