
(2009) 05 DEL CK 0516
In the Delhi High Court
Case No : Writ Petition (C) 8887 of 2009

Satish Kumar Mann

APPELLANT

Vs

MCD and Others

RESPONDENT

Date of Decision : 13-05-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 165 DLT 11 : (2010) 6 RCR(Civil) 549

Hon'ble Judges : A.P. Shah, C.J; Neeraj Kishan Kaul, J

Bench : Division Bench

Advocate : J.S. Mann, Amir Yadav, A.S. Mann and K.K. Prashad, for the Appellant; Vikas Sethi, for R-1 and Jyoti Singh, for R-2/GNCTD, for the Respondent

Final Decision : Dismissed

Judgement

1. The present petition, styled as a Public Interest Litigation, has been filed alleging that big quantity of drainage/rainwater is collected and stinking in village Naya Bans and the authorities were not doing anything about the same. Police assistance was also sought from the SHO of Police Station Narela for restraining the mischievous persons from blocking the passage. The petitioner, on behalf of the villagers, made an application to the Deputy Commissioner, MCD, Narela zone intimating about the unauthorized blockage of the canal by respondent No. 7. It is also alleged that Respondent No. 6, under the garb of Abadi Deh Certificate, got the total area of his house mentioned as 816 Sq.Yds. in collusion with the revenue staff though the abadi deh certificate is not meant to disclose or certify the length of boundaries and demarcation of impugned house. The petitioner claims that applications were made by him on behalf of the villagers to have the unauthorized encroachment removed and complete the construction work of the (Signer's identity unknown) Signed by Naresh Mehta MEHTANARESH@REDIFFMAIL.COM Time: 2009.05.18 16:40:40 +05"30" Reason: Location: canal. It was also alleged that Sukh Lal Mann (respondent No. 7

herein) had encroached upon the metalled road adjoining his house. Proceedings in different forums and courts were initiated by the authorities as well as respondents No. 6 and 7. A number of these proceedings are still pending. The petitioner has, inter alia, sought directions including a writ of mandamus to direct the MCD to take appropriate steps and file proceedings against the orders passed in Suit No. S-170/08/03 as also a mandamus against the police authorities to initiate criminal proceedings against respondent No. 6 and 7.

2. Given the nature of disputes raised in the present petition as also the fact that proceedings are pending in various forums/courts, we do not think that the controversy raised here in this petition can be the subject matter of a public interest litigation. Public interest litigation is a weapon which has to be used with great care and circumspection as held by the Supreme Court in *Ashok Kumar Pandey Vs. The State of West Bengal and Others*,

3. In view of the nature of allegations made in the petition, we do not think this is an appropriate case for us to exercise our extraordinary jurisdiction under Article 226 of the Constitution of India. Needless to say that it is open for the petitioner to pursue his remedies in accordance with law before the appropriate forum.

4. In view of what is stated hereinabove, the writ petition is dismissed. All pending applications also stand disposed of.