

Satish Kumar Mann Vs. Mcd and ors.

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SooperKanoon Citation : sooperkanoon.com/702333

Court : Delhi

Decided On : May-13-2009

Reported in : 165(2009)DLT11

Judge : Ajit Prakash Shah, C.J. and; Neeraj Kishan Kaul, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.(C) 8887/2009

Appellant : Satish Kumar Mann

Respondent : Mcd and ors.

Advocate for Def. : Vikas Sethi, Adv. for R-1 and ; Jyoti Singh, Adv. for R-2/GNCTD

Advocate for Pet/Ap. : J.S. Mann,; Amir Yadav,; A.S. Mann and;

Disposition : Petition dismissed

Judgement :

ORDER

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 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 v. State of West Bengal : AIR 2004 SC280 .

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.

