

SECTION XIV

Petition(s) for Special Leave to Appeal (Civil) No(s).7025/2003

CWP No. 7682 of

Petitioner(s)

VERSUS

Respondent (s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 11/08/2010
today.

These Petitions were called on for hearing

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

[illegible]

For Respondent(s) Mr.Rajan Narain, Adv.

Mr.W.A.Qadri, Adv.
Ms.Saima Bakshi, Adv.
Mr.Minnatullah, Adv.
Mrs.Kiran Bhardwaj, Adv.
Ch.Shamsuddin Khan, Adv.
Mrs.Anil Katiyar, Adv.

For MCD Mr.Sanjiv Sen, Adv.
 Ms.Anuja Chopra, Adv.
 Mr.Praveen Swarup, Adv.

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 02.12.2002 passed by the Division Bench of Delhi High Court whereby it declined to entertain the writ petition filed by the petitioner

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for issue of a writ of mandamus to remove the alleged squatters from the area specified in the writ petition on the ground that the case of squatters is being monitored by this Court in Gainda Ram vs. Union of India.

We have heard learned counsel for the parties.

Although the petitioner has not placed on record copy of the writ petition filed before the High Court, from the cause title of

the special leave petition we find that it had not impleaded any of the so-called squatter as parties to the writ petition. Therefore, the writ petition filed by the petitioner was liable to be dismissed on the ground of non-impleadment of the necessary parties. In our view, the High Court could not have, without issuing notice to the persons likely to be affected by acceptance of the prayer made in the writ petition, passed any order in favour of the petitioner. This Court also cannot pass any order against those who are not parties to the writ petition.

With the above observation, the special leave petition is dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master