



2025:DHC:651



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 11706/2023 & REVIEW PET. 205/2024****ASMA PARVEEN**

.....Petitioner

Through: Mr. Rajat Aneja, Ms. Alka Dwivedi  
and Mr. Aditya Sharma, Advs. along  
with Review petitioner in person  
M: 9354063812  
Email: [alkaadwivedii@gmail.com](mailto:alkaadwivedii@gmail.com)

versus

**MUNICIPAL CORPORATION OF DELHI & ORS. ....Respondents**

Through: Mr. Kapil Dutta and Mr. Vansh  
Luthra, Advs. for MCD  
M: 9811135509  
Mr. Virendra Kumar, ASI,  
PS Jamia Nagar

**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****JUDGMENT****03.02.2025**

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**MINI PUSHKARNA, J:**

1. The present Review Petition has been filed on behalf of the applicant in *CM APPL. 14463/2024* for review of the order dated 04<sup>th</sup> April, 2024, by which the application of the review petitioner, i.e., *CM 14463/2024* for intervening in the writ petition, *W.P.(C) 11706/2023*, as informant, was dismissed. The said application, being *CM 14463/2024*, had been filed by the applicant/ review petitioner on the premise that the petitioner in the writ petition had filed forged, fabricated and fake documents before this Court with the ulterior motive to obtain a favourable order for wrongful gains, and



to blackmail the builder.

2. The applicant/ review petitioner, who has appeared in person before this Court, has submitted that he does not wish to be a party to the case and only seeks to inform the Court that the petitioner has committed perjury by filing forged documents and fabricated evidence in the writ petition, and is a habitual offender. The application, *CM 14463/2024*, had been filed by the applicant for pointing out the instance of perjury by the petitioner and did not pertain to the legality or illegality of the construction, which was the subject matter of the disposed writ.

3. It is further submitted by the applicant/review petitioner that he has sufficient reasons to believe that the police personnel of the Police Station, Jamia Nagar, are supporting the petitioner, by not registering any FIR against her even on the complaint of the applicant. Therefore, the Court ought to initiate an inquiry into the offences of false evidence by the petitioner in the writ petition.

4. Per contra, learned counsel appearing for the petitioner in the writ petition, submits that the present review is without any merits and is not maintainable. The issue in the writ petition, i.e., *W.P.(C) 11706/2023*, pertains solely to unauthorized construction and encroachment on the subject property, which does not concern the applicant in any manner.

5. It is further submitted on behalf of the petitioner in the writ petition that the factum of unauthorized construction and encroachment has not been denied by Municipal Corporation of Delhi (“MCD”), which has actively taken steps to address the issue and has filed multiple status reports confirming compliance with law. The applicant/ review petitioner harbours grudges against the petitioner, as the petitioner has lodged two FIRs against



the applicant/ review petitioner.

6. Having heard learned counsel for the parties, at the outset, this Court notes that a review petition would be maintainable on account of some mistake and error apparent on the face of the record or on account of discovery of new and important matters or evidence, which, after exercise of due diligence, were not within the knowledge of the applicant and could not be produced when the order was passed, and for any other sufficient reason. Under the garb of filing a review petition, a party cannot be permitted to re-agitate the whole issue as if arguing an appeal. The scope of review is limited and under the guise of review, a petitioner cannot be permitted to re-argue the questions which have already been addressed and decided.

7. Explaining the scope of review, Supreme Court in the case of *A.S. Raghavendra Versus Bharti Airtel Limited, 2024 SCC OnLine SC 3121*, has held as follows:

“xxx xxx xxx

4. Relying on a host of precedents, it was held in *Sanjay Kumar Agarwal*<sup>2</sup> as under:

**16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.**

**16.2. A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.**

**16.3. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.**

**16.4. In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected”.**



**16.5. A review petition has a limited purpose and cannot be allowed to be “an appeal in disguise”.**

**16.6. Under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions which have already been addressed and decided.**

*16.7. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*

*16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.’*

**5. What the Petitioner seems to have forgotten is that a review petition is not, by any stretch, a re-hearing of the matter. This Court has considered all material aspects before rendering the Judgment dated 2-4-2024<sup>1</sup>. In the guise of a review, this Court cannot act/sit in appeal over the judgment of which review is sought. Moreover, when the Petitioner asserts that this Court mis-applied the law, the same would per se entail a re-examination on merits, as the law and facts of a cited case would have to be minutely studied to hold whether the same would apply in the peculiar facts of the extant case. Such exercise is clearly unwarranted herein and even otherwise, would fall well beyond the realm of a review. Findings on merits cannot be assailed in the jurisdictional confines of a review in the manner as is sought to be done by the Petitioner herein.**

**6. Day in and day out, this Court decides cases one way or the other. Apart from the small category of matters which are settled/amicably resolved, each case produces a winning party and a losing party. That is the nature of the adversarial system of adjudication in vogue in our nation. Merely because a party harbours a belief/notion that injustice was meted out to it, is not, by itself, sufficient reason for this Court to re-look at the underlying lis.**

xxx xxx xxx”

(Emphasis Supplied)

8. Likewise, holding that power of review may not be exercised on the ground that decision was erroneous on merits, as the same is within the domain of the court of appeal, the Supreme Court in the case of *Arun Dev Upadhyaya Versus Integrated Sales Service Limited and Another*, (2023) 8



SCC II, has held as follows:

“xxx xxx xxx

28. A plain reading of the above provisions in (sic no) uncertain terms states that the power to review can be exercised only upon existence of any of the three conditions expressed therein. “A mistake or an error apparent on the face of the record” is one of the conditions. It is only on this ground that review has been preferred. The above phrase has been consistently interpreted by authoritative pronouncement of this Court for decades.

xxx xxx xxx

31. Another case which may be briefly dealt with is *Parsion Devi v. Sumitri Devi*<sup>9</sup>, where, this Court ruled that under Order 47 Rule 1 CPC, a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. It also observed that a review petition cannot be allowed to be treated as an appeal in disguise.

32. A series of decisions may also be referred to wherein, it has been held that power to review may not be exercised on the ground that decision was erroneous on merits as the same would be the domain of the court of appeal. Power of review should not be confused with appellate powers as the appellate power can correct all manners of errors committed by the subordinate courts. The following judgments may be referred:

- (1) *Shivdev Singh v. State of Punjab*<sup>10</sup>
- (2) *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*<sup>11</sup>
- (3) *Meera Bhanja v. Nirmala Kumari Choudhury*<sup>12</sup>
- (4) *Uma Nath Pandey v. State of U.P.*<sup>13</sup>

33. Recently, this Court in a judgment dated 24-2-2023 passed in *S. Murali Sundaram v. Jothibai Kannan*<sup>14</sup>, observed that even though a judgment sought to be reviewed is erroneous, the same cannot be a ground to review in exercise of powers under Order 47 Rule 1 CPC. Further, in *Perry Kansagra v. Smriti Madan Kansagra*<sup>15</sup>, this Court observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114 CPC, the review court does not sit in appeal over its own order.



**34. In another case between Shanti Conductors (P) Ltd. v. Assam SEB<sup>16</sup>, this Court observed that scope of review under Order 47 Rule 1 read with Section 114 CPC is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided. It was further observed that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record.**

**35. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.**

xxx xxx xxx”

(Emphasis Supplied)

9. Considering the law in regard to review, it is apparent that the present review petition filed on behalf of the applicant/ review petitioner has no merit. The application filed by the applicant/ review petitioner, CM 14463/2024, was predicated on the allegations that the petitioner submitted forged and fabricated documents before this Court. However, upon perusal of the writ petition and the various orders passed by this Court, it is evident that the issue in the writ petition pertained solely to unauthorized construction and encroachment on the property in question.

10. The writ petition, W.P.(C) 11706/2023, had been filed raising the objection with respect to unauthorized construction and illegal encroachment having been carried out by the respondents in the said petition. The said petition was disposed of vide order dated 04<sup>th</sup> September, 2023, recording that MCD had inspected the premises, issued Work Stop Order and further proposed to issue a show cause notice. The petitioner therein was directed to approach the Special Task Force (“STF”) in case of



further grievances.

11. This Court further notes that the factum of unauthorized construction and encroachment had not been denied by the MCD and the MCD had actively been pursuing appropriate action against the same. Multiple status reports have been filed by the MCD, confirming the compliance of the appropriate action that has already been taken.

12. The applicant/review petitioner has no connection whatsoever with the property in question, and has described himself as a ‘Whistleblower Litigant’. It is to be noted that applicant/ review petitioner had earlier also filed an application being *CM 57729/2023*, for impleadment. In the said application, the applicant/ review petitioner raised similar grounds of fraud having been committed by the petitioner and that the applicant/ review petitioner, be allowed to intervene in order to assist the Court, as he had in-depth knowledge of the case. *Vide* order dated 07<sup>th</sup> November, 2023, the said application was dismissed, in the following manner:

**“CM APPL. 57729/2023 (for impleadment)**

*1. This application has been filed for impleadment in a disposed of writ petition. The prayers in the application are as follows:*

*“A) Kindly allow the applicant as intervener u/s Rule 1 order 10 of CPC so that applicant can assist this Hon’ble court in the interest of justice as he has in depth knowledge of the case and he is a directly-affected party, as the petitioner has committed a similar fraud and manipulation against him.*

*B) Kindly pass any other order or orders as this Hon’ble Court may deem fit in view of the facts and circumstance of the case.”*

*2. The petition was disposed of by order dated 04.09.2023, which reads as follows:*

*“1. The petitioner has approached this Court against alleged illegal and unauthorised construction in the property bearing no. No. S-10, D-20, part of Khasra No. 427/260/88, near*



*Mumtaz Masjid, Batla House, Jogabai Extension, Jamia Nagar, Okhla, New Delhi-1 10025. The case of the petitioner is that the unauthorized construction is being carried out at the instance of respondent Nos. 2 to 5 herein.*

*2. Mr. Kapil Dutta, learned Standing Counsel for MCD, appears on advance notice, and submits that subject premises could not be identified from the address mentioned in the memo of parties, and has been identified from the photographs annexed to the writ petition at Annexure P-3. He further states that the subject premises has been inspected today and a stop work notice has also been issued by MCD. Mr. Dutta also states that MCD proposes to issue a show cause notice and will take further action in light of the response received thereto.*

*3. Mr. Rajat Aneja, learned counsel for the petitioner, states that the petitioner will assist the Assistant Engineer, MCD in identifying the property and for that purpose, inspection is fixed at 02.00 PM today.*

*4. In view of the aforesaid submissions, Mr. Aneja submits that no further orders are required in the writ petition, which stands disposed of, alongwith pending applications.*

*5. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose statutory remedies, if any, remain reserved. MCD is directed to act strictly in accordance with law and after compliance of all statutory formalities.*

*6. In the event the petitioner has any further grievance with regard to unauthorised construction, she may approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. This direction is made with reference to the decisions of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018], Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245/2019], and in Himanshu vs. East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and by a decision of the learned Single Bench in Abdul Gaffar vs South Delhi Municipal”*



3. A subsequent application made by the petitioner CM APPL. 48261/2023 was also disposed of by order dated 18.09.2023.

4. The applicant admittedly has no connection with the property in question. He has filed this application in person describing himself as a “whistleblower litigant” and states that he has filed several public interest litigations in various courts. It is stated in the application that he is living in the Jamia Nagar since the year 1978 and is active in the society, so that “most of the information provided by him use to be authentic and verified”. It is his contention that the writ petitioner has wrongly approached the Court, and he has made various allegations against the writ petitioner, including reference to proceedings pending against her.

5. I do not find any reason to implead the applicant, and reopen the petition which has already been disposed of, particularly at the instance of someone who is not directly affected by the subject matter of the petition in any manner.

6. The application is, therefore, dismissed.”

(Emphasis Supplied)

13. After dismissal of the first application for impleadment filed by the applicant/review petitioner, vide order dated 07<sup>th</sup> November, 2023, the applicant/ review petitioner filed a second application, CM 14463/2024, which came to be dismissed by way of order dated 04<sup>th</sup> April, 2024, which is the subject matter of the present review petition. Nothing has been brought forth by the applicant/ review petitioner before this Court, as to form the basis for reviewing the order dated 04<sup>th</sup> April, 2024, which is a well-reasoned order.

14. The applicant/ review petitioner was never a party to the writ proceedings. After dismissal of his first application for impleadment, there was no occasion for the applicant/ review petitioner for filing a second application for his impleadment on the same grounds on which the earlier application had been dismissed.



15. This Court notes that the applicant/ review petitioner had raised allegations of perjury against the petitioner in the writ petition and had filed *CM APPL. 14463/2024*, with the following averment:

“xxx xxx xxx

2. *That as per the legal opinion application should be filed before the Court where the forged documents were filed in the main Writ No. WP(C) 11706/2023. This application is only for the purpose of inform the Hon’ble Court regarding the perjury. Hence this application.*

3. *That for the sake of brevity and to avoid the repetition the informant is only mentioning here 2 main points related to a) perjury b) violation of order Hon’ble Supreme Court by the police, that is evident from the enclosed copy of application filed in Cont. Case(C).1474/2023 and the same application was filed with minor changes as application in WP(C)11706/2023. Hon’ble Court may kindly refer the following points of the annexed application:*

a. *Point 3.1 (a) TO Point 3.1 (C): List of forged documents filed by the petitioner at page no.8, in WP(C) 11706/2023.*

b. **8.2 (Page 12) That informant / applicant has sufficient reasons to believe that the police personnel of the PS Jamia Nagar are blindly supporting the petitioner by not registering any FIR even on the proper complaint of the applicant and Dr. Inam, who’s signature was forged for blackmailing regarding the claim of payment of Rs.50 lakhs and claim over Rs.4.24 crores worth of land of the builder was made. Police has hushed up the case by telling both have “No locus”.**

c. **8.3 (page 12-13): Police has clearly violated the order of the Hon’ble Supreme Court mentioned at para no.120.3 & 120.4 “A copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week”.**

d. *8.5. (Page 14) That after hearing the application of the applicant u/s rule 1 order 10 in Cont. Case (C) 1474/2023, due to fear petition of getting caught on the charges of submission of forged documents the petitioner has withdrawn the Cont. Case on the same date but inspite of that Hon’ble Court was please to pass verbally order for police enquiry but it is believe that the petitioner was tutored by the local police and she declared that the “original documents has been lost”.*



e. 8.8 (Page 15) that violated the order of Hon'ble Supreme Court passed by Constitution bench by PS Jamia Nagar.

f. 9-9.21 (17-21): List of the properties link to the petitioner, either she is the owner or associate in around 21 properties. However, before the Ld. Trial Court she has declared her monthly income as only Rs.15,000/-. Please refer to **Annexure P-1**.

g. 10-10.10 (21-23) **These are FIRs registered against the petitioner and her family members.**

xxx xxx xxx”

(Emphasis Supplied)

16. Noting the averments of the applicant/ review petitioner, this Court, *vide* order dated 04<sup>th</sup> April, 2024, had already granted liberty to the applicant/ review petitioner, to approach the Police. In the aforesaid application, *CM 14463/2024*, it was the case of the applicant/ review petitioner that the Police was blindly supporting the petitioner in the writ petition, by not registering any FIR even on a proper complaint of the applicant/ review petitioner. If that be the case, the applicant/ review petitioner has remedies available under law, in case any genuine complaint of the applicant/ review petitioner has not been registered by the Police.

17. This Court further notes that the writ petition, i.e., *W.P.(C) 11706/2023*, already stands disposed of *vide* order dated 04<sup>th</sup> September, 2023. Subsequently, contempt petition being *CONT.CAS (C) 1474/2023*, was filed, which came to be disposed of *vide* order dated 08<sup>th</sup> November, 2023, on the basis of the status report filed by the MCD. Subsequently, application, *CM 62478/2023*, for revival of the contempt petition, was also disposed of *vide* order dated 22<sup>nd</sup> May, 2024, upon relevant action being taken by the MCD. When two applications of the applicant/ review



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petitioner for impleadment in a disposed of writ petition, already stood rejected, there is no case made out to review the order dated 04<sup>th</sup> April, 2024 passed by this Court.

18. No merit is found in the present review petition. The same is accordingly dismissed.

**(MINI PUSHKARNA)  
JUDGE**

**FEBRUARY 03, 2025**

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