



2025:DHC:10999



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05<sup>th</sup> December, 2025**+ **W.P.(C) 16681/2025 & CM APPL. 68454/2025****RAJENDER SINGH**

.....Petitioner

Through: Mr. Deepesh Bhardwaj, Advocate  
versus**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr. Parminder Singh, SC for MCD  
with Mr. Aryanshu Vaibhav Gautam,  
Advocate  
Mob: 7042261567  
Mr. Kushagra Kumar, SPC with Ms.  
Pragati Trivedi, Advocate for R-2  
with SI Rohit, PS Laxmi Nagar  
Mr. Tushar Sannu, Mr. Parvin Bansal  
and Mr. Saurabh Pandey, Advocates  
for GNCTD  
Mob: 9911991166**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD") to take action against the illegal and unauthorized construction raised in the property bearing *No. 39-B, Mohan Park, Gali No. 4, West Guru Angad Nagar, Laxmi Nagar, Delhi 110092, measuring 120 square yards.*
2. When the matter was listed for hearing on the last date, i.e., 03<sup>rd</sup> November, 2025, an objection was raised on behalf of the MCD that the



petitioner did not stay in the property bearing No. 31-B, Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Delhi-110092, as mentioned in the Memo of Parties of the present writ petition.

3. Accordingly, the Station House Officer (“SHO”), Police Station-Laxmi Nagar, was directed to visit the property of the petitioner in order to inform the Court as to whether the petitioner stayed at the premises in question. The relevant portion of the order dated 03<sup>rd</sup> November, 2025, reads as under:

“xxx xxx xxx

4. Responding to the present writ petition, learned counsel for MCD submits that the copy of the present writ petition was served upon the MCD on 07<sup>th</sup> October, 2025. He submits that after receipt of the copy of the present writ petition, MCD intended to carry out inspection of the aforesaid property. However, he submits that the said property could not be traced. Accordingly, the concerned officials of the MCD sought to contact the petitioner.

5. It is submitted that the officials of the MCD visited the property of the petitioner as per the Memo of parties, which is as follows:

**Rajender Singh S/o Sh. Pyare Lal  
R/o 31-B, Mohan Park,  
West Guru angad Nagar, Laxmi Nagar  
Delhi-110092**

6. Upon visit of the property, the officials of the MCD found that the petitioner did not stay in the aforesaid property. He further submits that inquiry from the local residents also reveals that no one was aware about the petitioner.

7. Accordingly, the Station House Officer (“SHO”) of Laxmi Nagar is directed to visit the property of the petitioner, i.e., 31-B, Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Delhi-110092.

8. The SHO, Police Station-Laxmi Nagar, shall enquire as to whether the petitioner stays in the said property and file a report with regard thereto, before this Court.

9. Since SHO, Police Station-Laxmi Nagar is not a party before this Court, in the facts and circumstances of the present case, the SHO, Police Station-Laxmi Nagar, is impleaded as respondent no. 2, in the present matter.



*10. Issue notice to newly impleaded respondent no. 2, through Standing Counsel-Union of India.*

*11. Let Court Notice be issued to the Standing Counsel-Union of India as well as SHO, Police Station-Laxmi Nagar, with clear directions to file report before this Court, before the next date of hearing.*

*12. List for consideration on 05<sup>th</sup> December, 2025.*

*xxx xxx xxx''*

4. Today, learned counsel appearing for the SHO, Police Station-Laxmi Nagar, has handed over to this Court a Verification Report, which is taken on record.

5. As per the said Verification Report, the petitioner does not reside at the address in question.

6. At this stage, learned counsel appearing for the petitioner submits that he has instructions to withdraw the present writ petition.

7. This Court notes that the Verification Report of the SHO, Police Station-Laxmi Nagar is categorical to the effect that the petitioner does not reside in the property in question.

8. This Court also notes the statement made on behalf of learned counsel for the petitioner that the petitioner has already shifted from the premises being No. 31-B, Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Delhi-110092 as he was staying there on rent.

9. If that be the case, the petitioner had no occasion to file the present writ petition with regard to a property, when the petitioner neither stays within the vicinity of the property nor has any direct connection with the property and thus, is not directly affected by the said property. Therefore, clearly, the petitioner has no *locus* to file the present writ petition with regard to any unauthorized construction being carried out in the property



bearing No. 39-B, Mohan Park, Gali No. 4, West Guru Angad Nagar, Laxmi Nagar, Delhi 110092.

10. Apparently, the present writ petition is a misuse and abuse of the process of law.

11. This Court has already held in various cases that a writ petition with regard to unauthorized construction shall be maintainable by only those persons who are directly affected by the said unauthorized construction.

12. Thus, this Court in the case of ***“Manorama Sakkerwal Versus Municipal Corporation of Delhi & Ors.”***, in ***W.P.(C) 6727/2025***, has held as follows:

“xxx xxx xxx

*21. It is to be noted that the fact of the suit having been filed on behalf of the petitioner has not been disclosed before this Court and that there has been clear suppression of material facts. It is clear that there has been a suppression of material facts before this Court, wherein, the petitioner has not disclosed before this Court the fact regarding the civil suit having been filed in the Tis Hazari Courts, on the same cause of action.*

**22. Further, the fact that the petitioner does not stay at the property in question, as mentioned in the Memo of Parties and that the said property is lying vacant for last more than twenty years, as noted above, is a material factor and the same has not been disclosed by the petitioner before this Court. Clearly, the present writ petition has been filed with a view to solely misuse the process of this Court.**

*23. It is well settled by a long line of judicial pronouncements that a petitioner, who seeks to invoke the extraordinary, equitable and discretionary writ jurisdiction of this Court, must come with clean hands and put forward all the facts before this Court, without concealing or suppressing any fact. In case, any party makes a false statement before this Court or suppresses any material facts or attempts to mislead the Court, the writ petition is liable to be dismissed on this ground alone. In this regard, reference may be made to the judgment of the Supreme Court in the case of ***K.D. Sharma Versus Steel Authority of India Limited and Others***, (2008) 12 SCC 481, relevant portions of which are reproduced as under:*

“xxx xxx xxx

**34. The jurisdiction of the Supreme Court under Article 32**



and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

**36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.**

xxx xxx xxx"

xxx xxx xxx

26. The facts disclosed before this Court are very serious in nature and no party can be allowed to use the process of this Court for ulterior motives and with a view to extort money from another party on the basis that such party is carrying out unauthorized construction.

**27. There is no doubt that this Court takes very serious note of cases wherever unauthorized construction is carried out, however, the same does not give any leeway to any party to blackmail such persons, who are raising such construction. This is clearly a gross abuse of the process of law.**

**28. Accordingly, considering the submissions made before this Court, it is clear that the present writ petition filed by the petitioner is by way of oblique motives and not for the purposes of seeking justice, for which the Courts of Law have been established.**

29. Accordingly, in view of the detailed discussion hereinabove, the present writ petition is dismissed with cost of Rs. 1,00,000/- (Rupees One Lac), to be paid by the petitioner.

xxx xxx xxx"



(Emphasis Supplied)

13. Similarly, in the case of *Sachin Singh Versus South Delhi Municipal Corporation and Another*, 2022 SCC OnLine Del 1362, this Court, while dismissing a writ petition on the ground of lack of *locus standi*, has held as follows:

“xxx xxx xxx

**4. The petitioner has claimed that he used to visit the locality near the subject property for work purpose. It is stated that while passing by the suit property during one such visit, he came across a heap of building material, which was allegedly placed on the road/footpath in front of the subject property thereby obstructing it.** It is further stated that the building where alleged construction is going on is 60-70 years old, and the construction is being carried out by respondent No. 2 without getting a sanctioned building plan from respondent No. 1/SDMC.

xxx xxx xxx

**6. There is no gainsaying that a petition under Article 226 of the Constitution of India lies only for enforcement of a fundamental or legal right.**

7. Notably, a Co-ordinate Bench of this Court in *Rajendra Motwani v. MCD* reported as 2017 SCC OnLine Del 11050 has held as follows:

**“10. ...that an illegal construction in itself does not give any legal right to a neighbor. An illegal construction always no doubt gives locus standi to the local municipal authorities to seek removal of the illegal construction, but, a right of a neighbor only arises if the legal rights of light and air or any other legal right is affected by virtue of the illegal construction of the neighbour...”**

8. Recently, in *Pawan Kumar Saraswat v. North Delhi Municipal Corporation* reported as 2021 SCC OnLine Del 4530, another Co-ordinate Bench of this Court took note of a petition filed under Article 226 of the Constitution of India, invoking extraordinary jurisdiction of this Court for relief such as the one sought in the present petition. The learned Judge observed as follows:—

**“15. Though unauthorized illegal construction, which is becoming rampant, cannot be countenanced however, I am of the view that a party that does not approach the Court with clean hands and files a petition with ulterior motives should not**



be permitted to invoke the extra ordinary Writ jurisdiction of this court. I am of the view that the petition deserves to be dismissed.”

9. In the present case, it is apparent that the petitioner neither has any connection with the property in question, nor is an immediate neighbour of residents thereof. It is an admitted case that neither the petitioner's easement rights nor ingress/egress are affected by any alleged construction activity carried out by respondent No. 2 in the subject property.

10. Inasmuch as the petitioner has failed to show as to which fundamental or legal right of his is being affected by any alleged construction activity carried out in the subject property, it appears that the present petition has not been filed for enforcement of any fundamental or legal right, but rather for some motivated reasons.

11. In this backdrop, this Court is not inclined to exercise its power under Article 226 of the Constitution of India to grant the relief sought by the petitioner.

xxx xxx xxx”

(Emphasis Supplied)

14. Accordingly, considering the submissions made before this Court, the petitioner is allowed to withdraw the present writ petition. However, in the overall conspectus of the present case, and in view of the discussion hereinabove, a cost of Rupees Fifty Thousand (Rs. 50,000/-) is imposed upon the petitioner, payable to:

“D.H.C.B.A. Costs Account  
S.B. A/c No. 15530110179338  
Bank Name: UCO Bank  
Branch Address: Delhi High Court  
IFSC: UCBA0001553”

15. Let the aforesaid cost be paid by the petitioner, within a period of four weeks, from today.

16. Needless to state, in case of any existing unauthorized construction existing in the property in question, the MCD is at liberty to take requisite action, in accordance with law.



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17. For compliance regarding the payment of cost, list before the Joint Registrar on 09<sup>th</sup> February, 2026.

18. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

**MINI PUSHKARNA, J**

**DECEMBER 5, 2025/ak**