



2025:DHC:9772



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 06.11.2025**

+ W.P.(C) 16811/2025 & CM APPL. 69103/2025

TARUN KUMAR

.....Petitioner

Through: Mr. Rajeev Kumar, Mr. Nishant Mandal, Mr. Pramod Kumar, Mr. Aamir Kumar and Mr. Abdus Sayeed, Advs.

Mob: 8010387621

Email:

Advrajeevkumar87@gmail.com

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Neeru Vaid, SC for MCD with Mr. Rajiv Garg, Deputy Law Officer, MCD

Mob: 9582619834

Mr. Shashi Pratap Singh, Adv. for R-1/GNCTD (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed by the petitioner seeking directions, *inter alia*, for expeditious disposal of the representation of the petitioner dated 05th August, 2024 made to the respondent – Municipal Corporation of Delhi (“MCD”), against the unauthorised construction in the



property bearing No. A-20, Industrial Area, Bara Bagh, GT Karnal Road, Delhi – 110033.

2. The petitioner herein, i.e., Tarun Kumar, is stated to be a law student, in his first year of the LL.B. program at Chaudhary Charan Singh University, Meerut and is stated to be involved with local Non-Governmental Organisations (“NGOs”).

3. The present matter pertains to the complaints raised by the petitioner with respect to certain violations in the property in question, which as per the petition, is situated in the vicinity of the petitioner’s residence and has been affecting his free movement, since the unauthorised construction in the property in question causes huge traffic issues in the area.

4. In particular, the petitioner had filed a complaint on the Public Grievance Monitoring System (“PGMS”) portal on 05th August, 2024 alleging lack of fire safety approvals and unlawful construction. In response thereto, the Delhi Fire Services (“DFS”), vide letter dated 27th August, 2024, informed the MCD that no Fire Safety Certificate was issued in respect of the property in question and that the issue of unauthorised construction does not fall under the ambit of the DFS.

5. The petitioner, in furtherance to the aforesaid complaint, had sent multiple reminders, as well as a legal notice dated 18th July, 2025, to the MCD for initiating action against the property in question. However, no measures have been taken towards the same. Hence, the present petition has been filed.

6. Responding to the present writ petition, learned counsel for the respondent – MCD submits that the property *qua* which the present petition has been filed, is at least two to three kilometers away from where the



petitioner resides. The details of the property *qua* which the present writ petition has been filed, are as follows:

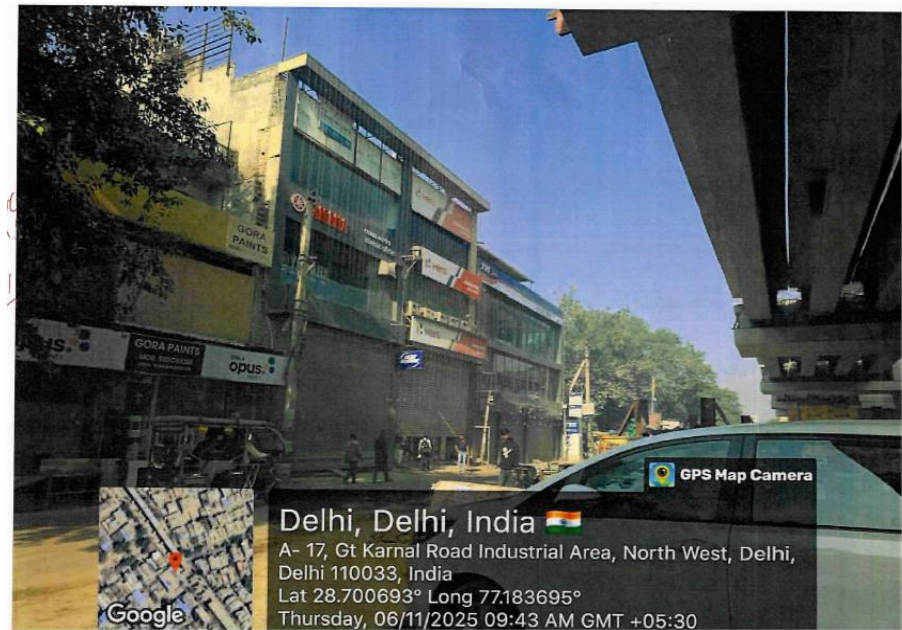
***“Yamaha, TVS and Hero Moto Corp Showrooms
All situated at: A-20, Industrial Area, Bara Bagh
GT Karnal Road, Delhi 110033”***

7. Upon a pointed query by this Court, learned counsel appearing for the petitioner submits that the petitioner stays in *Azadpur area*, which is in close proximity to the area in question. He submits that the petitioner, being a public-spirited person, frequently passes through the said area, on account of which, he is troubled by the unauthorized construction being carried out in the property in question.

8. Learned counsel appearing for the respondent-MCD has handed over to this Court a copy of 14 complaints made by the petitioner with regard to different properties, wherein, the address of the petitioner is the same as given in the affidavit attached with the present writ petition. By relying on the said complaints, she submits that the submissions made before this Court by the petitioner are totally fallacious and that the petitioner herein is a habitual complainant who has been filing complaints with respect to multiple properties spread across different areas.

9. The copies of the said complaints made by the petitioner, as handed over by learned counsel for the MCD, are taken on record.

10. Learned counsel appearing for the respondent-MCD has also handed over to this Court a photograph of the property, which is the subject matter of the present writ petition. The said photograph of the property in question is reproduced as under:



11. By referring to the aforesaid photograph, learned counsel appearing for respondent-MCD submits that the property in question is an old structure and no construction is currently being undertaken therein.

12. It is apparent that the present writ petition has not been filed with any public spirit and instead, has been filed with ulterior motives.

13. Merely because the petitioner is stated to be pursuing a law degree from Chaudhary Charan Singh University, Meerut, and is stated to be a first year student of law, it does not entitle him to file any petition with regard to unauthorized construction, particularly, when there is no on-going construction in the property in question and the said property is located atleast two to three kilometres away from where the petitioner resides.

14. This Court also notes that the petitioner is aged 33 years and is not a young college student. The same is apparent from the affidavit filed along with the present writ petition, which shows that the petitioner, i.e., Tarun Kumar, son of Braham Prakash, is aged 33 years and is a resident of property bearing No.3246, Arya Pura, Subzi Mandi, Roshan Ara Road,



Malka Ganj, North Delhi-110007. The affidavit of the petitioner, filed along with the present petition, is reproduced as under:

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)
W.P. (CIVIL) NO. 16811 OF 2025

IN THE MATTER OF:
TARUN KUMAR

...Petitioner

Versus

GOVT. OF NCT OF DELHI & ANR

...Respondent

AFFIDAVIT

I, Tarun Kumar, S/o Braham Prakash, aged 33 years R/o 3246, Arya Pura, Subzi Mandi, Roshan Ara Road, Malka Ganj, North Delhi 110007 do hereby solemnly affirm and declare as under:

1. That I am the Petitioner in the above-mentioned Petition and as such am fully aware of the facts and circumstances of the present case and therefore, competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Petition along with the accompanying applications and say that the contents of the same are true and correct to the best of my knowledge based on records of the case and as per legal advice received by me and nothing material has been concealed therefrom.
3. That the Annexures filed herewith are true copies of their respective originals.

Tarun Kumar
DEPONENT

15. On a further pointed query by this Court as to the *bonafide* of the petitioner, learned counsel appearing for the petitioner submits that the petitioner is a public-spirited person.

16. However, filing such petition where the petitioner has no concern with the subject property and the petition has been filed merely only on the ground that the petitioner passes through the area in question, cannot be considered to be a valid ground for filing such writ petition. Submission of



the petitioner, in this regard, is encapsulated in the writ petition in the following manner:

“xxx xxx xxx

6. That the petitioner is aggrieved by the violations in the aforesaid property which is affecting his right to free movement and is causing huge traffic issues in the area, which affects his mobility, thereby infringing on his fundamental rights as a citizen enshrined under Article 21 of the Constitution of India.

xxx xxx xxx

- B.** Because the unauthorized and congested construction at Plot No. A-20, G.T. Karnal Road Industrial Area, Delhi has completely obstructed petitioner's and public ingress and egress, emergency access thereby directly infringing upon the fundamental right to life, safety, and clean environment guaranteed under Article 21 of the Constitution of India. The illegal structures and commercial operations have reduced the approach road to a choking hazard for petitioner's daily travel purposes and as also for adjoining industries and visitors, impeding the right to free movement and creating grave risk in the event of fire or industrial accidents;

xxx xxx xxx”

17. Perusal of the aforesaid pleadings in the writ petition clearly shows that it is the stand of the petitioner that on account of illegal structure in question, there is huge traffic on the approach road in question, which affects the mobility of the petitioner, thereby, infringing his fundamental rights as a citizen, enshrined under Article 21 of the Constitution of India, 1950.

18. This Court is of the opinion that if such pleas are entertained by this Court, it would open the gates for any person to file a writ petition with respect to any property situated in any part of the city, merely on the ground that construction in such property causes traffic jams and congestions in the



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area, thereby, affecting rights of such persons. Clearly, the intent of the law is not to confer such free hand to persons to invoke the jurisdiction of this Court on grounds as raised in the present petition, particularly, when the petitioner is neither living in the vicinity of the property in question, nor can be said to be affected directly by the existence of such property, merely because the petitioner happens to use the road where such property is situated.

19. This Court also takes note of the fact that the petitioner has been filing multiple complaints against various properties. The same is apparent from the reply dated 28th April, 2025 of the Executive Engineer, MCD to the complaint of the petitioner dated 16th March, 2025, wherein, it has been stated that the petitioner herein is a habitual complainant and has filed a number of complaints against various properties on the different portals with a *malafide* intention. The reply dated 28th April, 2025 of the Executive Engineer, MCD, is reproduced as under:



Annexure-P7
Listening Post of Lieutenant Governor, Delhi

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Home

Grievance Status						
* Enter Grievance Number		2025005583				
Mobile No.		OR E-Mail ID.		tarun.the.infinite@gmail.com		
Grievance No	2025005583	Date of Grievance	16/03/2025			
Complainant Name	TARUN	Contact Nos.	(LandLine),8588974925(Mobile)			
Category	Online Entry by Citizen ::					
Complainant Address	PROPERTY NO. A-20, INDUSTRIAL AREA G.T. KARNAL ROAD DELHI 110033 UNDER WARD NO. 67 SANGAM PARAK KESHAVPURAM ZONE					
E-Mail ID	TARUN.THE.INFINITE@GMAIL.COM					
Grievance Details	Reminder 1st माननीय आयुक्त अश्वनी कुमार जी, दिल्ली नगर निगम, विषय : संपत्ति संख्या ए-20 औद्योगिक क्षेत्र बड़ा बाग जीटी करनल रोड दिल्ली 110033, दिल्ली नगर निगम के वार्ड संख्या 67 संगम पार्क केशव पुरम ज़ोन के कार्य क्षेत्राधिकार अंतर्गत अवैध संपत्ति के हिस्से (Part of Property) पर अंशिक व सम्पूर्ण रूप से भवन का निर्माण अनधिकृत व प्रतिबंधित है। जो अधिक मात्रा में रिश्तत लेने के कारण पूर्व महीनों में तेजी से निर्माण हुआ है जो विभिन्न संवैधानिक निकायों द्वारा पूर्णतया अवैध है, जिसको सीलिंग कर दिया जाना चाहिए क्योंकि नियोजित अभियंताओं ने विध्वंस कार्यक्रम के बावजूद अवैध निर्माण जारी रखा। Action Required : शिकायतकर्ता आपसे अनुरोध करता हूँ कि इस मामले की गंभीरता को देखते हुए तत्काल जांच करवाई जाए और दोषी पाए जाने पर कड़ी कार्रवाई की जाए और भ्रष्टाचार पर जीरो टॉलरेंस की नीति को उद्घोषित करते हुए केशव पुरम ज़ोन के अधिशासी अभियंता ललित शर्मा (भवन-2) और इनके वार्ड के सहकर्मियों सहायक अभियंता सुनील कुमार (भवन-2) व कनिष्ठ अभियंता गोविंद कुमार मीना (भवन-2) को तत्काल प्रभाव से नौकरी से बरखास्त करें आपका धन्यवाद					
Grievance Site Address	PROPERTY NO. A-20, INDUSTRIAL AREA G.T. KARNAL ROAD DELHI 110033 UNDER WARD NO. 67 SANGAM PARAK KESHAVPURAM ZONE					
S.No.	Departmental User	Locality	Action Taken	Status	Contact Details	Citizen Feedback
1	MCD	INDUSTRIAL AREA (G.T.KARNAL ROAD)	28/04/2025 The Complainant is a habitual complainant as per available record. This complainant filed a lot of complaint against the many properties on the different portals i.e. L.G Listening, CP Gram, PGMS, STF and 311 app etc. from this kind of practice of the complainant it is clear that the complainant a habitual complainer and he filed complaints with malafide intension and he is also diverting the capacity of the Govt. employees. Inspite of the department already given his complaint reply many times. He filed complaints on the above said portal repeatedly/regularly.	Over	EE B2 KPZ Executive Engineer eeb2kpz@gmail.com	-- :: -- : Enter Feedback

Enter/View Complainant's Remarks



20. In the case of *Satish Kumar Tomar Versus North Delhi Municipal Corporation and Others*, 2022 SCC OnLine Del 1383, this Court has clearly stated that a petition under Article 226 of the Constitution of India is only for enforcement of a fundamental or legal right, and the same cannot be filed alleging illegal construction if the petitioner does not have any connection with the subject property. The relevant paragraphs of the said judgment, are reproduced as under:

“xxx xxx xxx

9. 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.

10. 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...”

11. 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 extraordinary Writ jurisdiction of this court. I am of the view that the petition deserves to be dismissed.”

12. In the present case, the petitioner admittedly does not have any connection with the property in question. The petitioner has further 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 is quite apparent that the present petition has not been filed for enforcement of any fundamental or legal right, but rather for some motivated reasons.

13. 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.

14. Accordingly, the present petition is dismissed, with a cost of Rs. 5,000/- to be deposited by the petitioner with the Delhi State Legal Services Authority within a period of four weeks from today.

xxx xxx xxx ”

(Emphasis Supplied)

21. In this case also, no fundamental right of the petitioner is affected. Merely on account of the fact that the petitioner passes from the road where the property in question exists, no cause of action arises in favour of the petitioner, especially, when it has come to the fore that no construction is going on currently in the property in question and that the construction in the said property is an old one.

22. Furthermore, this Court, on previous occasions, has already deprecated the conduct of the parties in approaching the Court by way of such writ petitions without confirming the actual status of the property. Clearly, the present writ petition *qua* the property in question has been filed without confirming the status of the property, particularly, when there is no unauthorized construction being carried out in the property in question.

23. This Court notes that recently, in the case of ***“Balbir Singh Versus Municipal Corporation of Delhi & Ors.”*** bearing W.P.(C) 15235/2025, vide order dated 06th October, 2025, this Court has held as follows:

“xxx xxx xxx

13. This Court notes that various orders have already been passed by this Court that it is only those persons, who are directly affected by unauthorized construction and who are the immediate neighbors living in the vicinity of the property in question, are entitled to file a petition



against any unauthorized construction.

14. Thus, it is to be seen that in order to circumvent the aforesaid constraint and limitation as imposed by the Court, a new strategy is being employed by various parties, wherein, they file petitions against the unauthorized construction on the ground that the premises where such unauthorized construction is being raised, is owned by such persons.

15. Such tactics and stratagem cannot be allowed to be adopted by such unscrupulous persons, who, in order to obtain unlawful gains for themselves, try to use the solemn process of this Court. This is certainly not acceptable. This Court cannot allow the process of the Court to be misused and abused in this manner.

xxx xxx xxx”

(Emphasis Supplied)

24. Moreover, the Division Bench of this Court in ***Akash Bansal Versus Dy. Commissioner, SDMC and Ors., 2018 SCC OnLine Del 8633***, while dealing with a writ petition filed for demolition/removal of unauthorised construction, had criticised the petitioner therein, who was also a law student, and had made a habit of initiating proceedings against properties located at a distance from his residence. This Court, while strictly condemning such practice of filing petitions without having any *locus*, has held as follows:

“xxx xxx xxx

10. We confess that we are aghast at these proceedings, which present the ugly face of the public interest litigation institution, when it is sought to be abused by unscrupulous persons such as Mr. Akash Bansal and Mr. Navin Kumar Jha. It is clear, on the face of it, that Mr. Akash Bansal has made a habit - and probably, a business - of litigations such as the present, in which he selects properties, located at a distance from his own residence, and moves purported public interest litigations, seeking their demolition. Indeed, a new industry, of sorts, appears to have sprung up in the recent past. Unfortunately, for Mr. Akash Bansal, in this case, he appears to have overplayed his hand by filing WP (C) 10006/2017 through a front organization, namely, “J One Jan Samuh Seva Samiti” and dragging, into the entire murky litigative process initiated by him, the quileless, but apparently gullible,



Ms. Noor Bano, an illiterate lady who has no interest in the demolition of any property, and would prefer to be left alone.

11. On inquiry, we are informed that Mr. Akash Bansal is pursuing his LL.B, course in the Chaudhary Charan Singh University, Meerut, a worrying factor, given the responsible profession he may opt to follow thereafter.

12. We are also unconvinced of the bona fides of Mr. Navin Kumar Jha in this matter. Ms. Noor Banu would submit that Mr. Akash Bansal works in tandem with Mr. Navin Kumar Jha as a part of his office; however, we do not propose to waste any further time of this Court, by embarking on an inquiry in this regard.

13. At the same time, we are sanguine that, in the present matter, Mr. Navin Kumar Jha cannot profess complete innocence and ignorance, as both these writ petitions had been filed by him, signed on the same day. Though signed on the same day, WP (C) 9816/2017 was first filed, on 30th October, 2017, and refiled, after removing objections, on 3rd November, 2017, whereas WP (C) 10006/2017 was first filed on 3rd November, 2017 and refiled, after removing objections, on 9th November, 2017. It is obvious that Mr. Navin Kumar Jha was well aware of the fact that the property being targeted in WP (C) 10006/2017 was the property neighbouring that of Mr. Akash Bansal, on whose behalf he himself had filed WP (C) 9816/2017, especially as both writ petitions were apparently prepared side by side, and signed on the same day, i.e. 25th October, 2017. Indeed, the filing of WP (C) 9816/2017 on 30th October, 2017 and of WP (C) 10006/2017 on 3rd November, 2017 appears, on the face of it, to be orchestrated, so as to conceal the involvement, in both the writ petitions, of Mr. Akash Bansal and Mr. Navin Kumar Jha.

14. Inasmuch as Mr. Navin Kumar Jha is a practising advocate, and Mr. Akash Bansal is an aspirant to the legal profession, we say no more.

15. It is for the above reason, that as directed in our order dated 17th April, 2018, both these writ petitions were dismissed, with costs quantified at Rs. 50,000/- each, to be deposited by Mr. Akash Bansal and Mr. Navin Kumar Jha with the Delhi High Court Legal Services Committee, within a period of eight weeks, and to place proof of such deposit with the Registrar (Appellate), Delhi High Court, in default whereof these matters would be relisted, before this Court, for appropriate directions.

16. We have chosen not to adopt a stricter stand, only in view of the profound apologies extended to us in Court by Mr. Akash Bansal and



Mr. Navin Kumar Jha. They are, however, warned that any such misadventure on their part in future may result in throwing their entire legal career into jeopardy, apart from other consequences which may ensue in law.

xxx xxx xxx”

(Emphasis Supplied)

25. In the present case as well, the writ petition has not been filed by a person directly affected by the property in question and the petitioner has not been able to establish his *locus* in pursuing the prayer sought for by way of the present petition. The petition has been filed merely on the ground that the petitioner happens to pass through the road where the property in question is situated.

26. Accordingly, considering the facts and circumstances of the instant case, it is manifest that the present writ petition has clearly been filed with oblique motives and cannot be said to have been filed with any *bonafide* and public-spirited desire to address the issues raised therein and thereby, to improve the situation of the society, as claimed by the petitioner.

27. At this stage, learned counsel appearing for the petitioner submits that the petitioner seeks to withdraw the present writ petition and profusely apologises before this Court.

28. However, this Court is of the opinion that once it has come to the fore that the petitioner is attempting to misuse the process of Court for motives other than genuine public interest, and has been filing multiple complaints with respect to various properties, the purpose does not seem to be *bonafide*, in any manner.

29. In view of the aforesaid, the present writ petition, along with the pending application, is dismissed with the cost of Rs. 50,000/- (Fifty



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Thousand Rupees Only), payable to:

“Delhi High Court Bar Clerk’s Association

Account No. 15530100006282

IFSC Code: UCBA0001553

Bank Name: UCO Bank

Branch: Delhi High Court”

30. The aforesaid cost shall be paid by the petitioner within a period of four weeks, from today.
31. The Registry of this Court is further directed that in case, in the future, any petition is filed by the petitioner, i.e., Mr. Tarun Kumar, S/o Braham Prakash, in his capacity as a petitioner, a copy of this order shall be placed before the Court where such writ petition is listed.
32. List before the Registrar for compliance on behalf of the petitioner for payment of cost on 15th December, 2025.
33. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 6, 2025/SK