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

% **Date of Decision: 07th August, 2025**

+ CONT.CAS(C) 1094/2025

AZAD MARKET RWA (REGD)Petitioner

Through: Petitioner in person.

versus

SMT. MAMTA YADAVRespondent

Through: Mr. Varun Chandioke, Mr. Alok Kumar and Ms. Anubhi Goyal, Advs.

Mob: 9818365119

Email: office.chandioke@gmail.com

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+ W.P.(C) 15795/2023 & CM APPL. 8491/2025

AZAD MARKET RWA (REGD) THROUGH ITS GENERAL SECRETARYPetitioner

Through: Petitioner in person.

versus

MCD AND OTHERSRespondents

Through: Mr. Biraja Mahapatra, Mr. Nalia Hingorani and Mr. Rajat Sherna, Advs. for R-IPCC

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Mr. Alok Gupta and Mr. Ranjeet Singh, Adv. for R-4/DJB

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Mr. Tushar Sannu and Ms. Parvin Bansal, Advs. for R-GNCTD

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Mr. Anubhav Gupta, panel counsel (civil) GNCTD

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Mohd. Mubashir, Mr. Nasir Aziz, Mr.



2025:DHC:6932



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Arora and Mr. Santosh Ramdurg,

Advs. For R-BSES

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+ W.P.(C) 13856/2024, CM APPL. 75642/2024, CM APPL. 8482/2025,
CM APPL. 19996/2025 , CM APPL. 19997/2025 & CM APPL.
48181/2025

AZAD MARKET RWA (REGD)

.....Petitioner

Through: Petitioner in person.

versus

THE MCD AND ORS.

.....Respondents

Through: Mr. Tushar Sannu and Ms. Parvin
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Kumar and Ms. Anubhi Goyal, Advs.

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



MINI PUSHKARNA, J. (ORAL):

1. The present petitions have been filed by Azad Market RWA (Regd.) seeking directions to the respondents to take action against the illegal and unauthorized construction being carried out in certain shops situated at *Roshanara Road* and *Rani Jhansi Road, Jhandewalan*, along with action against misuse of electricity and drinking water.
2. Pursuant to the directions passed by this Court *vide* order dated 22nd May, 2025, Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), is present in Court.
3. Mr. Babu Lal Gupta, Advocate, is not present, despite directions passed by this Court in this regard, on the last date of hearing.
4. Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), submits that Mr. B.L. Gupta, Advocate, is out of station on account of some personal exigency.
5. Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), submits that he is a social worker who founded the Azad Market RWA (Regd.). He submits that he has other people also who assist him in these issues of social nature, which he takes up as the General Secretary of the Azad Market RWA (Regd.).
6. He further submits that he is also a trustee of a Non-Government Organization (“NGO”) called, ‘*Green Gold Earth of World (Regd.)*’. On a pointed query by this Court as to who made him the trustee of this NGO, he submits that Mr. Babu Lal Gupta, Advocate, made him the trustee of the said NGO.
7. This Court notes that the two writ petitions before this Court pertain to unauthorized construction in different properties. It is noted that the address of Azad Market RWA (Regd.) in the Memo of Parties has been shown to be in Azad Market, however, the properties against which the



present petitions have been filed, are situated at *Roshanara Road* and *Rani Jhansi Road, Jhandewalan*.

8. This Court is informed that the aforesaid properties, against which the present cases have been filed, are approximately three to five kilometers away from the address of the petitioner, as shown in the Memo of Parties.

9. It is to be noted that when the present case was listed on the last date for hearing, i.e., 22nd May, 2025, this Court had noted the various cases filed on behalf of Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), in the following manner:

“xxx xxx xxx

4. *Learned counsel appearing for the respondent no. 5 has drawn the attention of this Court to the various cases filed on behalf of Azad Market RWA, details of which, are as follows:*

“xxx xxx xxx

7. *That it is has further come to the knowledge of the answering Respondent that the petitioner has a history of filing multiple cases on similar grounds which clearly shows a pattern/modus operandi of the petitioner in misusing the process of law.* Copy of some of the orders taken from the official website/internet are marked as Annexure-R2 (COLLY). The list of cases are also mentioned hereunder

S.NO.	CASE TITLE
1.	ANIL LODHI & ANR. V. MCD & ORS [W.P.(C) 15698/2023].
2.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 6027/2024].
3.	AZAD MARKET RWA (REGD.) V. GOVT OF NCT OF DELHI & ORS [W.P.(C) 6073/2024].
4.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 16142/2023].
5.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 16003/2023].
6.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 15795/2023].

xxx xxx xxx”

(Emphasis Supplied)



10. This Court is informed that all the aforesaid cases are also with respect to unauthorized construction being carried out in different areas.

11. At this stage, it is pertinent to note the personal affidavit dated 04th December, 2024 in *W.P. (C) 13856/2024*, filed by Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), wherein, the details of cases filed by him for unauthorized construction are as follows:

“xxx xxx xxx

10. That the list of cases filed by Petitioner and the deponent in his name are as under:-

- i. W.P. (C) No.7360/2022 RWA Azad Market V/s. Lt. Governor & Ors. decided on 29.07.2024 (in regard to CCTV) filed by Manoj Gehlot Advocate.*
- ii. W.P. (C) No.8605/2022 RWA Azad Market V/s. Lt. Governor & Ors. decided on 09.05.2023 (in regard to collapse of building No.643, Shivaji Road, Delhi-110006) filed by Manoj Gehlot Advocate.*
- iii. W.P. (C) No.8437/2022 RWA Azad Market V/s. Ministry of Home Affairs & Ors. decided on 06.11.2023 (in regard to property No.391, 392, 393, Azad Market, Delhi-110006) filed by Manoj Gehlot Advocate.*
- iv. W.P. (C) No.16142/2023 RWA Azad Market V/s. M.C.D. & Ors. decided on 14.12.2023 (in regard to property No.749, Sheesh Mahal, Azad Market, Delhi-110006) filed by Manoj Gehlot Advocate.*
- v. W.P. (C) No. 11182/2024 Anil Lodhi V/s. M.C.D. & Ors. pending for 21.02.2025 (in regard to Wooden encroachment in S.P. Mukherjee Market) filed by B.L.Gupta Advocate.*
- vi. W.P. (C) No.15795/2023 RWA Azad Market V/s. M.C.D. & Ors. pending for 12.02.2025 (in regard to S.P. Mukherjee Market pollution) filed by B.L. Gupta Advocate.*
- vii. W.P. (C) No.15698/2023 Anil Lodhi & Ors. V/s. M.C.D. & Ors. decided on 06.12.2023 (in regard to Roshnara Road, Delhi unauthorized construction) filed by B.L. Gupta Advocate.*
- viii. W.P. (C) No.13856/2024 RWA Azad Market V /s. M.C.D. & Ors. pending for 16.12.2024 (in regard to Deena Nath Road unauthorized construction) filed by B.L. Gupta Advocate.*
- ix. W.P. (C) No. 16003/2023 RWA Azad Market V/s. M.C.D. & Ors. pending for 25.02.2025 (in regard to encroachment near public toilet situated at Pul Mithai, Azad Market) filed by B.L. Gupta Advocate.*

xxx xxx xxx”

12. This Court notes that when the aforesaid affidavits filed on behalf of



respondent no. 5 and Mr. Anil Lodhi are put in comparison, it comes to the fore that despite directions by this Court to Mr. Anil Lodhi for disclosure of all cases filed by him in relation to unauthorized construction, nevertheless, Mr. Anil Lodhi failed to disclose two cases, i.e., W.P. (C) 6027/2024 and W.P. (C) 6073/2024, as mentioned in the affidavit of respondent no. 5.

13. It is also noted that several of the cases, i.e., W.P. (C) 11182/2024, W.P. (C) 15795/2023, W.P. (C) 15698/2023, mentioned in the personal affidavit of Mr. Anil Lodhi, also relate to unauthorized construction in places which are not located in the vicinity of Azad Nagar Market.

14. Moreover, most of the cases, as disclosed in the said personal affidavit of Mr. Anil Lodhi, have been filed by Mr. Babu Lal Gupta, Advocate.

15. This Court is informed that criminal cases have been filed against Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), who either acts as the petitioner or the representative of the petitioner RWA in the present matters, as well as in matters which were filed earlier. The details of the same are given in the affidavit dated 13th December, 2024, filed by respondent no. 5 in W.P. (C) 13856/2024, which are reproduced as under:

“xxx xxx xxx

6. It is brought to the notice of this Hon'ble Court that the petitioner was found guilty vide judgment dated 31.10.2019 passed by the Court of CMM, Rohini Court, North District, Delhi in FIR No. 328/05 under sections 384/511, 408, 419, 468/34 of the Indian Penal Code (IPC) and Section 138 of the Electricity Act, 2003 wherein the petitioner was sentenced to undergo rigorous imprisonment for a period of two years for offences under Sections 419/34 IPC and further sentenced to undergo simple imprisonment for a period of one year for offences under sections 384/511/34 IPC vide order on sentence dated 02.11.2019. Copy of the judgment and order on sentence is marked as Annexure-R1 (COLLY).

xxx xxx xxx”

(Emphasis Supplied)

16. Attention of this Court has been drawn to the judgment dated 31st



October, 2019, titled as “*State Versus Prakash Joshi etc.*”, passed by Chief Metropolitan Magistrate, Rohini Courts, North District, Delhi in the case bearing no. 5285463/16, wherein, Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) is the accused no. 2. Relevant portions of the said judgment are reproduced as under:

State vs. Prakash Joshi etc.

FIR no.328/05

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE:
ROHINI COURTS NORTH DISTRICT, DELHI

Presided Over by : GAGANDEEP SINGH

State Vs.	Prakash Joshi etc.	Date of Institution	17.09.2005
FIR No.	328/05	Judgment Reserved on	03.08.2019
PS	Adarsh Nagar	Date of Judgment	31.10.2019
Under Section	384/511, 408, 419, 468/34 IPC & 138 Electricity Act, 2003.		

JUDGMENT

- | | | |
|----|-------------------------------|--|
| a) | New Regn. No. of the case | 5285463/16 |
| b) | Date of offence | 08.07.2005 |
| c) | Name of the complainant | Sh. Surender Singh, S/o Sh. Harbhajan Singh, R/o H-18/14, Sector-7, Rohini, Delhi. |
| d) | Name & address of the accused | (1) Prakash Joshi , Manager, Enforcement, NDPL, Delhi.
(2) Anil Lodhi , S/o Sh. Puran Chand Lodhi, R/o H.No.605, Gali No.5, Pul Mithai, Shivaji Road, Azad Market, Delhi.
(3) Ram Nagina @ Rahim Khan , S/o Sh. Budhi Ram Yadav, R/o C-1375, Jahangir Puri, Delhi.
(4) Firoz Khan , S/o Sh. Chhaban Khan, R/o E-1584, Jahangir Puri, Delhi. |
| e) | The offence complained of | 384/511, 408, 419, 468/34 IPC & 138 Electricity Act, 2003. |
| f) | Plea of accused | Pleaded not guilty |

“xxx xxx xxx

2. The said meter was got photographed and proceedings were initiated with respect to the tampering of meter as well as in the present meter. After registration of the FIR, the incriminating documents were recovered from the possession of the said four accused persons i.e. fake ID cards claiming themselves to be the employee of NDPL/BSES Yamuna, visiting cards showing themselves to be involved in the said work of electricity bills, booklets concerning the installation reports of the electricity meters, electrical instruments for installation, etc. All the said articles were sealed and later on, seized in the present matter. The said accused persons were arrested in the present matter. After completion of investigation, the chargesheet was filed u/s 384/511/408/419/468/34 IPC & 138 Electricity Act, 2003.

xxx xxx xxx

35. Admittedly, in the present case in hand, there was no payment of money by victim Dharmender Chauhan as the offence was stopped prior to reaching its conclusion by the members of the raiding party. The accused persons were apprehended at the spot itself while they



were in the process of extracting money from the victim by impersonating themselves as NDPL employees and putting him into fear of criminal prosecution due to tampered electricity meter. It is also quite clear that accused had put PW7 in fear of criminal prosecution and he was about to handover the extortion amount when the place was raided. Therefore, the charge for the attempt to commit extortion has only been framed which duly stands proved through the versions given by the raiding party.

xxx xxx xxx”

(Emphasis Supplied)

17. Perusal of the aforesaid judgment shows that Mr. Anil Lodhi, i.e., accused no. 2 in the said criminal proceedings, who professes himself to be the General Secretary of the petitioner herein, was involved not only in a case for theft of electricity, but was also convicted for impersonating as the official of the NDPL/BSES Yamuna, along with being involved in extortion of money by way of such impersonation.

18. Subsequently, the sentence against Mr. Anil Lodhi was issued *vide* order dated 02nd November, 2019 by the Chief Metropolitan Magistrate, North Rohini, Delhi, in the following manner:

“xxx xxx xxx

The convicts have been found guilty of the offences u/s 419 and 384/51 1/34 IPC vide judgment dated 31.10.2019. The brazen manner in which the convicts were operating by impersonating as NDPL employees reflect their scant regard for the law of the land. They were least concerned about the consequences of their act. The record also reflects that apart from the victim Dharmender Chauhan, many other victims were cheated in similar manner. One such victim, namely, PW2 Hari Om deposed to this effect. They were operating for quite some time before they apprehended in the present matter. In these circumstances, no leniency can be shown towards the convicts.

xxx xxx xxx”

(Emphasis Supplied)

19. On a pointed query by this Court, as to the source of income of Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), Mr. Anil Lodhi, who is present in Court, submits that his son runs a shop selling *Chola Bhatura*, from where he also earns his income. He further submits he



has certain other sources, i.e., income from the premises which he has rented out and his other small businesses.

20. This Court takes note of the submissions made by the learned counsels appearing for the private respondents, who submit that Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), has been approaching their clients for the purpose of extorting money from them, as well.

21. It is further to be noted that in the order dated 03rd October, 2024, passed by this Court in *W.P. (C) 13856/2024*, it has categorically been noted that there is another NGO by the name of '*Green Gold Earth of World (Regd.)*', wherein, the address of the said NGO is the same as the chamber address of Mr. Babu Lal Gupta, Advocate, who has been appearing for the petitioner in the present matters. Further, the branch office of the NGO is also the address of Mr. Anil Lodhi, as stated in the affidavit accompanying the petitions.

22. The address of Mr. Babu Lal Gupta, Advocate, as indicated to this Court is, '*Chamber No. 606, Lawyers Chamber Block, Rohini Courts Complex, Rohini, Delhi – 110085*'.

23. It has been noted by this Court in the order dated 03rd October, 2024, that the letter head of the NGO, '*Green Gold Earth of World (Regd.)*', in relation to the complaint pertaining to the present case, as sent to the MCD, also reflects the address of the said NGO, as the aforesaid chamber of Mr. Babu Lal Gupta, Advocate. The order dated 03rd October, 2024 in *W.P. (C) 13856/2024*, reads as under:

"1. The petitioner, who claims to be General Secretary, Resident Welfare Association-Azad Market, has filed this writ petition. The petition is signed and verified by an affidavit of one Mr. Anil Lodhi, who is stated to be a resident of 605/5, Shivaji Road, Azad Market, Delhi-110006. The relief sought in the writ petition are as follows:-

"i. The Respondent No. 1 & 2 to demolish illegal and



unauthorized construction being raised over bearing No. 7882, bearing its Khasra No.395/1/2, 92/ 1/5, 395/1 /6, of Village Sidhora Khurd, Dina Nath Road, Roshnara Road , Mauza Delhi, Delhi- 110007 on its Basement, Ground, First Floor, Second Floor , Third Floor & Fourth Floor.

ii. The Respondent No.3/CGWA be directed to take action against the Respondent No.4/Owner/Builder in regard to illegal and unauthorized submersible/borewell and to remove the entire borewell /submersible Any other order which this Hon'ble Court may deem, fit and proper the same be also passed in favour of the Petitioner and against the Respondents.”

2. At the very outset, Mr. Varun Nischal, learned counsel, appears for Ms. Jasveen Kaur, who is stated to be the owner of property bearing No. 7882, Khasra No. 395/1/5, Village Sidhora Khurd, Dina Nath Road, Roshnara Road, Mauza Delhi-110007 [“subject property”], submits that the Azad Market area is approximately 3 to 5 KM away from the subject property in question. He submits that the petition has been filed as part of a scheme of extortion by the petitioner. He draws my attention to Annexure-1 of the petition, which purports to be a complaint sent by an NGO by the name of “Green Gold Earth of World (Regd.)” to the Municipal Corporation of Delhi [“MCD”], Delhi Pollution Control Committee, District Magistrate, Delhi Jal Board and North Delhi Power Ltd., with regard to unauthorized construction on public land and without a sanction plan over private property. Mr. Nischal points out that the said letter has been signed by Mr. Anil Lodhi, claiming to be the complainant/trustee, and that the address of the said NGO in the letterhead is Chamber No. 606, Lawyers Chamber Block Rohini Court Complex, Rohini, Delhi-110085. This is the same address as the address of Mr. B.L. Gupta, learned counsel for the petitioner. The branch office of the NGO is also the address of Mr. Anil Lodhi as stated in the affidavit accompanying the petition.

3. Mr. Gupta is directed to file a personal affidavit stating as to how the chamber allotted to him is being used by an NGO. The petitioner will also file an affidavit on the above aspect, with regard to all cases filed by him and the cases that have been instituted against him, alongwith the orders passed in each of these cases. Affidavits be filed within two weeks.

4. The pendency of this petition will not come in the way of MCD taking any action in respect of illegal construction in the subject property. Mr. Varun Chandiok, learned counsel for the MCD, states that sanction plan in respect of the subject property has been revoked. If so, MCD is at liberty to serve the said order upon the owners/occupants of the property and take further action as required. This is without prejudice to any rights and remedies that the affected person may have which are also expressly reserved.



5. At the request of Mr. Nischal, Ms. Jasveen Kaur is added as respondent No. 5 of the present petition. She is also permitted to file an affidavit within the same period. Amended memo of parties be filed by learned counsel for the petitioner within one week.

6. List on 16.12.2024.”

(Emphasis Supplied)

24. This Court also notes the order dated 16th December, 2024, in W.P. (C) 13856/2024, wherein, statement of Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) has been recorded, wherein, he categorically states that the registration of the petitioner Society was done by Mr. Babu Lal Gupta, Advocate, and that the chamber address is the registered address of the petitioner Society. The order dated 16th December, 2024 in W.P. (C) 13856/2024, reads as under:

“1. Pursuant to the order dated 03.10.2024, Mr. Anil Lodhi, who claims to be the General Secretary of Azad Market Resident Welfare Association (Regd.) [“Society”], has filed an affidavit, as has his counsel Mr. B.L. Gupta, Advocate.

2. The affidavit of Mr. Gupta states that he did not permit Green Gold Earth of World (Regd.) [“NGO”], through Mr. Anil Lodhi, to use his chamber address.

3. The affidavit of Mr. Lodhi states that the petitioner-Society came into existence in the year 2013, and the NGO [Green Gold Earth of World (Regd.)] came into existence in the year 2023. It is his contention that he has written the chamber address of Mr. Gupta on the letterhead of the NGO without the permission of the allottee, as he was not aware of the rules and regulations regarding the allotment of the chamber. This explanation is prima facie unsatisfactory. In official communications, such as an application for registration of a society, a party cannot declare any address to which he has no right of any sort.

4. **Upon enquiry of the Court, Mr. Lodhi states that the registration of the Society was done by Mr. Gupta and that the chamber address is the registered address of the Society.**

5. For the present, it is directed that a copy of this petition and the orders passed therein be forwarded by the Registry to Mr. Tushar Sannu, learned Additional Standing Counsel for the Government of National Capital Territory of Delhi. Mr. Sannu is requested to obtain the record relating to the registration of the petitioner - Society and the NGO [Green Gold Earth of World (Regd.)], from the Registrar of Societies, and make the same available to the Court on the next date of hearing.



6. List on 12.02.2025.”

(Emphasis Supplied)

25. Thus, considering the aforesaid facts, this Court *vide* order dated 22nd May, 2025, had referred the matter for investigation to learned Principal District and Sessions Judge, Rohini Courts, in the following manner:

“xxx xxx xxx

9. In view of the aforesaid, the learned Principal District and Sessions Judge, Rohini Courts, is directed to conduct an enquiry as regards the allotment of the said chamber to Mr. Babul Lal Gupta, and the activities that are being carried out from the said chamber.

10. During the course of investigation, the learned Principal District and Sessions Judge, Rohini Courts, shall also consider the facts which have been reproduced in the present order with regard to the said chamber being used as the registered address of the Azad Market RWA, which is being used for the purposes of filing various petitions, purportedly for extortion purposes. Further, it may also be noted that the said chamber is also being used as a registered address of NGO, i.e., Green Gold Earth of World (Regd.).

xxx xxx xxx”

26. An Inquiry Report dated 19th July, 2025, has been submitted by the learned District and Sessions Judge, Rohini Courts, which reads as under:

**INQUIRY REPORT IN RESPECT OF CHAMBER NO. 606 AT
LAWYERS CHAMBER BUILDING, ROHINI COURTS, DELHI**

The Hon'ble High Court of Delhi vide order dt. 22.05.2025 in W.P. (C) 15795/2023 & CM Appl. 8491/2025 titled as Azad Market RWA (Regd.) through its General Secretary v. MCD and Ors. has directed to conduct an enquiry as to the allotment of the chamber no. 606 to Sh. Babu Lal Gupta and as to the activities that are being carried out from the said chamber.

With regard to the allotment of the chamber in question, the undersigned perused the office records and it was revealed that vide allotment order no. Lawyer Chamber No.606/Gen. Admn./allotment/2015, Chamber no. 606 on the 6th floor in the Rohini Lawyers Chamber Block was allotted to Sh. B. L. Gupta and the co-allottee of the said chamber was Sh. Hari Om.

Thereafter, the undersigned alongwith Ld. ACJ (North) physically inspected Chamber no. 606 on a number of occasions and found it to be locked. The name plate of Sh. B.L. Gupta and Sh. Hari Om was also found to be affixed on the door of the chamber.

To find out about the nature of activities being undertaken from the said chamber, the undersigned also recorded statements of the advocates/allottees of the neighboring chambers. Statements of Sh. Rakesh Sidana & Sh. Puneet Khurana (allottees of chamber no. 607), Sh. Nirvesh Kumar Rawal and Sh. Dharam Prakash (allottees of chamber no. 608) were recorded. According to statements of the aforesaid advocates, the chamber in question generally remains locked and is not used on a daily basis. However, they were unaware of the activities, if any, being carried out from the chamber or whether the



said chamber is the registered address of any NGO or any other RWA.

Statement of Sh. Pardeep Kumar Khatri, Hony. Secretary of RCBA was also been recorded whereby he has confirmed that the chamber no. 606 is allotted to Sh. B.L. Gupta and Sh. Hari Om and that Sh. B.L. Gupta rarely sits in the said chamber. He further stated that he is not aware about the activities which are being carried out in the said chamber and is also not aware that the chamber is registered with any NGO or other RWA.

From a scrutiny of the office record pertaining to the said chamber and the statements of the neighboring allottees and Hon'ble Secretary of RCBA, it can only be deciphered that the chamber in question is allotted in the name of Sh. B.L. Gupta and Sh. Hari Om but the nature of activities being carried out from the chamber in question could not be ascertained. It has only come to light that the chamber 606 generally remains locked and is not used frequently.

Copy of the allotment letter in the name of Sh. B.L. Gupta and Sh. Hari Om regarding chamber no. 606 alongwith copy of the statements of the advocates is annexed alongwith this report.

Mansi Malik

Mansi Malik

ACJ/ARC North-West

Member Secretary of Allotment Committee,
Lawyers Chamber, Rohini Courts, Delhi.

27. Though the aforesaid Report of the District and Sessions Judge does not throw light with regard to the activities being carried out in the chamber of Mr. Babu Lal Gupta, Advocate, however, it is clear that the said chamber remains locked most of the time. Moreover, as per the statements recorded in the said Report and the observation with regard to the Office Record of Rohini Courts, it is ascertained that the said chamber, indeed was allotted to Mr. Babu Lal Gupta.

28. Today again, during the course of interaction with Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), it has come to the attention of this Court that Mr. Anil Lodhi was made trustee of the aforesaid NGO by Mr. Babu Lal Gupta, Advocate.

29. Attention of this Court has been drawn to the report submitted by the Section Officer (HQ), Societies & Firms, District Central, Registrar of Societies, to show that as per the available records, no such society/NGO by the name of, '*Green Gold Earth of World*' is registered with them.



30. It is to be noted that during the course of interaction with the Court today, Mr. Anil Lodhi who is present in Court, has categorically stated that the Azad Market, RWA (Regd.) operates from the chamber of Mr. Babu Lal Gupta, Advocate. Further, Mr. Anil Kumar Lodhi was made trustee of the NGO, '*Green Gold Earth of World*', by Mr. Babu Lal Gupta, himself, wherein, in the letterhead of the said NGO, the address of Mr. Babu Lal Gupta's chamber in Rohini Court Complex, is reflected.

31. The facts brought before this Court are of concerning and disturbing nature. Herein, petitions are being filed by purported NGOs against properties with respect to unauthorized construction, for motives which are clearly oblique in nature. The present case sits at an even more egregious footing as the NGO in question, i.e., '*Green Gold Earth of World*', is not even a registered NGO. Moreover, official communications, such as the complaint dated 08th July, 2024, which is the subject matter of W.P. (C) 13856/2024, is also on the letter head of the said NGO, bearing the address of the chamber, which was allotted to Mr. Babu Lal Gupta, Advocate.

32. The submissions and facts brought before this Court, make it apparent that there is involvement of both Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) and Mr. Babu Lal Gupta, Advocate in a scheme which is run under the aegis of the petitioner Society and the NGO, '*Green Gold Earth of World*'. The said persons are involved in filing petitions that are in relation to unauthorized construction in places, which are not even in the vicinity of the area where the petitioner Society or the NGO, are situated.

33. The present is also a case wherein, Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) and Mr. Babu Lal Gupta, despite being granted an opportunity, have failed to disclose the existence of other petitions filed by them in relation to unauthorized construction, wherein, Mr. Anil Lodhi acts as the petitioner, or the representative and Mr. Babu Lal



Gupta is the Advocate. Moreover, Mr. Anil Lodhi has failed to disclose certain cases as noted above, despite filing a personal affidavit specifically in that regard.

34. The present is a clear case of suppression of material facts. The party invoking the writ jurisdiction of this Court ought to come with clean hands and in no way can attempt to mislead the Court in that regard. The Division Bench of this Court *vide* order dated 29th July, 2022 in W.P.(C) 11285/2022, titled as '***New Rise Foundation Regd. Charitable Trust Versus Municipal Corporation and Ors.***', dealt with a similar matter wherein an NGO filed cases in relation to unauthorized construction, and it was found that the said NGO was suppressing facts and was found to be approaching the Court with unclean hands. Thus, the Court held as follows:

“xxx xxx xxx

5. *It is very unfortunate that the noble forum of PIL is now being used for blackmailing the citizens. This is not a PIL at all. It is, in fact, a litigation based upon certain photographs resulting in blackmailing type of litigation.*

6. **The suppression of facts has been admitted before this Court and it is a settled proposition of law that a person who does not come with clean hands and suppresses material facts is not entitled for any relief whatsoever.** *The Petitioner otherwise also wants a roving enquiry to be done based upon some photographs and there is no other evidence brought on record to arrive at a conclusion that the structure in question is an unauthorised construction*

xxx xxx xxx

10. **In the aforesaid case, it has been held that when a party approaches a Court, he must place all facts before the Court without any reservation and in case there is suppression of material facts, the writ petition deserves to be dismissed without entering into the merits of the matter.**

xxx xxx xxx”

(Emphasis Supplied)

35. This Court in the case of ***Satish Kumar Tomar Versus North Delhi Municipal Corporation and Others, 2022 SCC OnLine Del 1383***, wherein, the petitioner had no relation or connection to the property where



unauthorized construction was alleged, and had come to the Court with unclean hands, has held as follows:

“xxx xxx xxx

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 extra ordinary 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.

xxx xxx xxx”

(Emphasis Supplied)

36. In the present case, considering the facts and circumstances, this Court finds that the petitioner, i.e., Azad Market RWA (Regd.), through its General Secretary Mr. Anil Lodhi, has abused and misused the process of this Court by filing petitions in relation to unauthorized construction under the garb of social work *whilst* using the particulars of an unregistered NGO to further their cause, which on the face of it, are riddled with oblique



motives. The petitioner, despite being a stranger to the proceedings, filed these petitions and when called upon, the petitioner is found to have suppressed material facts, and therefore, has approached this Court with unclean hands.

37. This Court also takes note of the facts, as already noted hereinabove, that Mr. Anil Lodhi, was found to be involved in cases of impersonation and extortion of money. Further, this Court also takes note of the submission made by learned counsel appearing for the private respondents that Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), has been approaching their clients for the purpose of extorting money from them. These facts are alarming and shocking, which disclose the deplorable conduct of the petitioner in filing cases for extorting money from people, by misusing and abusing the process of this Court. On the one hand, the Court has to deal with cases of unauthorized constructions strictly with an iron hand; at the same time, the Court has to ensure that the process of the Court is not misused by anyone in order to extort money from the persons undertaking such construction. A proceeding before a Court is a solemn process for furthering the cause of justice, and not for aiding unlawful objectives of certain individuals.

38. As regards the properties in question, which form the subject matter of the present writ petitions, this Court is informed that the MCD has already initiated requisite action against the said properties.

39. The MCD is directed to take requisite action, in accordance with law, wherever any deviations are found, within a time bound manner.

40. In view of the detailed discussion hereinabove, this Court finds it apposite to issue the following directions:

40.1 On account of the facts that have come to light before this Court in relation to the clear involvement of Mr. Babu Lal Gupta, Advocate with a



purported NGO, i.e., '*Green Gold Earth of World*', and the petitioner herein, the matter is referred to the Bar Council of Delhi, to consider the conduct of Mr. B.L. Gupta, *Enrolment no. D-615/89, Chamber No. D-606, Lawyers Chambers Block, Rohini Court Complex, Rohini, Delhi-110085*, Mob: 9312049415, to assess whether there are any violations of the applicable Rules & Regulations of Bar Council of Delhi, on part of Mr. B.L. Gupta, Advocate in relation to the subject matter herein, and requisite action that is required to be taken, with regard thereto.

40.2 Cost of Rs. 10,00,000/- (Ten Lacs Rupees Only) is imposed upon the petitioner, i.e., Azad Market RWA (Regd.), through its General Secretary Mr. Anil Lodhi, to be paid within a period of six weeks, from today.

40.3 In case, the aforesaid amount is not paid within a period of six weeks, the Sub-Divisional Magistrate concerned, will recover the amount as arrears of land revenue and shall transfer the same to the account of Delhi High Court Advocates Welfare Trust, Account No. 15530210002995, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553, with intimation to the Registrar General of this Court.

40.4 The Registrar General of this Court shall monitor the recovery as ordered by this Court.

40.5 It is directed that the petitioner, i.e., Azad Market RWA (regd.) shall appear through its General Secretary, Mr. Anil Lodhi, before the Registrar General for reporting compliance on 26th September, 2025.

40.6 Considering the misuse and abuse of process of this Court and considering the fact that various petitions against unauthorized constructions have been filed by Azad Market RWA (regd.) through its General Secretary, Mr. Anil Lodhi, it is directed that the Registry of this Court, at the time of accepting any petition from Azad Market RWA (regd.) or from Mr. Anil Lodhi, or from the NGO '*Green Gold Earth of World*', shall affix the



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present order to the said petitions, so that this order is brought to the notice of the Court, in future also.

41. With the aforesaid directions, the present petitions, along with the pending applications, are accordingly, disposed of.

MINI PUSHKARNA, J

AUGUST 7, 2025/SK