



2025:DHC:6933



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12<sup>th</sup> August, 2025**

+ W.P.(C) 12079/2025, CM APPL. 49348/2025 &amp; CM APPL. 49349/2025

AALIM

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI &amp; ORS. ....Respondents

Through: Mr. Bharat Malhotra, Adv. for R-1 and 2

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Ms. Himanshi Soni, Adv. for R-3 and 4 (Through VC)

Mr. Prabhsahay Kaur, SC for R-5/DDA with Mr. Bir Inder Singh Gurm, Advs.

Mob: 9711778471

Email: [sahayk@gmail.com](mailto:sahayk@gmail.com)

Mr. Rajesh Kumar Singh, Ms. Priyanka Singh, Mr. Rohish Arora and Mr. Amit Bidhuri, Advs. for R-6, 7 &amp; 8, along with R-6 &amp; 8 in person.

**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 5 to stop and demolish the illegal and unauthorized construction raised by respondent nos. 6 to 8, at property bearing No. S-



2/A14, admeasuring 91 sq. yrds.(approximately), located at Khasra No. 519/258, Joga Bai Extension, Jamia Nagar, Okhla, New Delhi-110025.

2. Learned counsel appearing on behalf of respondent nos. 6 to 8, the private respondents in the present case, i.e., the owner/occupier of the property in question, submits that three petitions have been received by the respondent nos. 6 to 8 with respect to the same property. It is submitted that earlier as well, writ petitions being, “*Fatima Bi Versus Municipal Corporation of Delhi & Ors.*” and “*Afsana Versus Municipal Corporation of Delhi & Ors.*” were filed with respect to the same property.

3. Learned counsel appearing for respondent nos. 6 to 8 has handed over copy of the said writ petitions pertaining to the same property number as in the present case, which are taken on record.

4. It is submitted that the earlier two writ petitions, though served upon the respondents, were never pursued to have them listed before the Court. This is the third petition with respect to the same property. Thus, it is submitted that various persons are acting as a group of extortionists, in order to extort money from the persons carrying on construction.

5. It is further submitted that in the Memo of Parties in the present case, the residence of the petitioner is shown as follows:

*Aalim S/o Munavvar, R/o 1, Village Kaneta, Ujhari, Amroha, Uttar Pradesh-244242, Mobile No. 9748376742*

6. Clearly, the petitioner is not a resident of Delhi and is not concerned either with the construction in question, or has any concern with the locality, as he is staying in Amroha, Uttar Pradesh.

7. Learned counsels appearing for the various respondents, further point out that the affidavit signed by the petitioner does not reflect, in any manner,



that the petitioner was in Delhi at the time of signing or deposing of the affidavit, as the address simply states the petitioner as being a resident of Amroha, Uttar Pradesh.

8. Learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”) submits that as regards the unauthorized construction in the property in question, a Show Cause Notice was issued on 20<sup>th</sup> May, 2025, followed by a Demolition Order passed on 13<sup>th</sup> June, 2025. He further submits that pursuant thereto, part demolition action has already been under taken on 10<sup>th</sup> July, 2025 and further action is fixed for 04<sup>th</sup> September, 2025.

9. Learned counsel appearing for the Special Task Force (“STF”), submits that the action taken by the MCD, has already been uploaded on the website of the STF. She further submits, that there have been many cases before this Court, wherein, petitions have been filed by persons, who neither stay in the locality, nor have any concern with the property, they seek relief against.

10. She submits that this is clearly a way of extorting money from the concerned persons and blackmailing them.

11. None appears for the petitioner when the matter is called out, despite the fact that the present matter had been heard for some time before passing of the order.

12. This Court also takes note of the submissions made by learned counsel appearing for respondent nos. 6 to 8 that the petitioner has filed certain notarized documents being shown as general power of attorney, agreement to sell and purchase, affidavit, Will, etc., in order to allege that the petitioner has some vested right in the property in question.

13. The submissions made before this Court clearly show that various



petitions are filed by persons, who have no concern with the property. However, petitions are filed only with a view to extort money from the person carrying out construction. The Court notes the submissions made by learned counsel appearing for respondent nos. 6 to 8 that they have been receiving calls for extortion of money, on account of the construction carried out by them. This Court deprecates this practice.

14. Though, this Court recognizes the fact that action against unauthorized construction has to be taken strictly, at the same time, this Court cannot be used as a tool to extort money from the persons carrying out such construction. This is clearly abuse and misuse of the process of the Court.

15. This Court notes that the MCD is already taking requisite action against the unauthorized construction existing in the property in question. However, presence of any unauthorized construction does not justify filing of such petitions, with a view to blackmail persons, in order to extort money from them.

16. Accordingly, considering the action already taken by the MCD, no further directions are required to be passed by this Court, as regards the action to be taken against the unauthorized construction.

17. However, considering the facts and circumstances of the present case, the respondent no. 3, i.e., Deputy Commissioner of Police (South East), Sarita Vihar, Delhi-110076 (“DCP”), is directed to undertake an investigation as to how, different petitions are being filed before this Court with respect to the same property by different persons. The antecedents of the petitioner may also be investigated.

18. At the time of investigation, the DCP (South East), Sarita Vihar, may



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also call the respondent nos. 6 to 8, herein, as it is the clear allegation of respondent nos. 6 to 8 that they have been receiving calls for extortion of money. The details of respondent nos. 6 to 8, as given in the Memo of Parties of the present petition, are reproduced as under:

6. Mr. Amir Aziz  
S/o NOT KNOWN  
R/o #S-2/A 14, Khasra No. 519/258,  
Joga Bai Extension, Jamia Nagar,  
Okhla, New Delhi-110025  
Mobile No. 9718204271
7. Mr. Izhar  
S/o NOT KNOWN  
R/o #S-2/A 14, Khasra No. 519/258,  
Joga Bai Extension, Jamia Nagar,  
Okhla, New Delhi-110025  
Mobile No. 9990116263
8. Mr. Javed  
S/o NOT KNOWN  
R/o #S-2/A 14, Khasra No. 519/258,  
Joga Bai Extension, Jamia Nagar,  
Okhla, New Delhi-110025  
Mobile No. 9891396869

19. Further, the details of the petitioner, as given in the Memo of Parties of the present petition, are as follows:

Aalim S/O Munavvar,  
R/o 1, Village Kaneta, Ujhari,  
Amroha, Uttar Pradesh-244242  
Mobile number 9748376742

20. The details of the petitioner, i.e., Fatma Bi, who filed the first petition with respect to the same property in question, as given in the earlier writ petition, which was not got listed, are as follows:



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*Fatima Bi, W/o Makhmali Khan,  
R/o H.No. 744, Gali Shish Mahal,  
Azad Market, Delhi-110006,  
Mobile- 9891123961*

21. The details of Afsana, the petitioner in the other petition with respect to the same property as in the present case, which was again not got listed, are as follows:

*Afsana, W/o Sh. Saif,  
R/o H.No. S-4/19,  
S-Block, Gali No. 6,  
Jogabai Extension, Jamia Nagar,  
Okhla, New Delhi-110025,  
Mobile-7827957432*

22. Let requisite investigation be carried out by the DCP (South East), Sarita Vihar. Further, requisite action may also be taken by the concerned authorities, after due investigation.

23. Accordingly, DCP (South East), Sarita Vihar, shall file a Status Report with regard to the investigation, within a period of four months, from today.

24. List before the Registrar for considering the filing of the Status Report by DCP (South East), Sarita Vihar, on 23<sup>rd</sup> December, 2025.

25. The present writ petition, is accordingly disposed of, in the aforesaid terms.

**MINI PUSHKARNA, J**

**AUGUST 12, 2025/SK**