



2025:DHC:8080



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

% **Date of decision: 12<sup>th</sup> September, 2025**

+ W.P.(C) 14088/2025 & CM APPL. 57736/2025

RASHIDUDDIN MALIK

.....Petitioner

Through: Mr. Nazim Uddin Ahmed and Mr.  
Anil Kumar Yadav, Advs.  
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[anilgop595@gmail.com](mailto:anilgop595@gmail.com)

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Rachita Garg, Mr. Agam Rajput,  
Adv. for R-1  
Mob: 7838066417  
Email: [rachitagargoffice@gmail.com](mailto:rachitagargoffice@gmail.com)  
Ms. Deepal Goel and Mr. Anil  
Bansal, Advs.  
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Mr. Kirti Uppal, Sr. Adv. with Mr.  
Mohd. Amanullah, Mr. Misbah Bin  
Tariq, Mr. Azhar Ali and Ms. Riya  
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Ms. Prabhsahay Kaur, SC for R-STF  
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**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 3, to stop the illegal construction at *plot no. 45 and 45B in the area of Johri Firm, Okhla, Jamia Nagar, New Delhi*, which is allegedly the property of the petitioner.

2. Learned Senior Counsel appearing for respondent no. 4, on advance notice, has produced before this Court previous orders passed by this Court in different proceedings, and submits that the petitioner is a blackmailer, and has been filing petitions with respect to different properties with a view to extort money.

3. At this stage, learned counsel appearing for the petitioner submits that the petitioner is owner of the property in question.

4. This Court takes note of the Memo of Parties, wherein, the address of the petitioner is shown as follows:

***“361/1 Bazar Kher Nagar,  
Chunewali Gali,  
Meerut City (UP)-250002.”***

5. This Court takes note of the fact that the petitioner has filed atleast two earlier petitions for different properties, which have been dismissed with costs.

6. The details of the said earlier petitions, filed by the petitioner are as follows:

(i) *W.P.(C) 1412/2025*, titled as *“Rashiduddin Malik Versus Govt of NCT Delhi and Ors.”*, which was dismissed *vide* order dated 04<sup>th</sup> February, 2025.

(ii) *W.P.(C) 16968/2025*, titled as *“Rashiduddin Malik Versus Municipal Corporation of Delhi through its Commissioner & Ors.”*,



which was dismissed *vide* order dated 25<sup>th</sup> September, 2024, with cost of Rs. 30,000/-.

7. Learned Senior Counsel appearing for respondent no. 4 further submits that from the case history of the Registry of this Court, it is clear that the petitioner has also filed a third writ petition, which never got listed.

8. This Court notes that the fact of the earlier writ petitions having been filed by the petitioner are not disclosed in the present writ petition.

9. Further, this Court takes note of the fact that the petitioner is living in *Meerut, Uttar Pradesh*, and the present writ petition has been filed purportedly on the ground that the petitioner is the owner of the property in question.

10. This Court in a writ proceeding will not go into the question of title of the property in question.

11. This Court notes that *vide* order dated 25<sup>th</sup> September, 2024, in *W.P.(C) 16928/2022 (Supra)*, the Predecessor Bench of this Court had dismissed the petition of the petitioner, holding as under:

10. The filing of the suit in respect of the same property by the petitioner in the year 2014, belies this contention.

11. It was incumbent upon the petitioner, at least, to disclose his prior knowledge of the alleged unauthorised construction and the prior litigation, while approaching this Court for exercise of its extraordinary writ jurisdiction. It needs no reiteration that filing of petitions for exercise of the constitutional jurisdiction of the High Court, which is an equitable jurisdiction, requires a litigant to approach the Court with clean hands, and after full disclosure.<sup>1</sup>

12. In view of the fact that the petitioner is found to have suppressed the material fact of the earlier litigation, and made an incorrect averment with regard to knowledge of the alleged illegal construction, the writ petition is dismissed with costs of ₹30,000/-. The costs will be deposited with the Delhi High Court Legal Services Committee[UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code- UCBA0001553] within four weeks from today. Proof of costs deposited be filed within one week thereafter.



12. Considering the aforesaid, this Court finds no reason to entertain the present writ petition.

13. The present petition is clearly an abuse and misuse of the process of law.

14. This Court will not entertain petitions wherein a person not only misrepresents to this Court, but also suppresses facts from this Court and does not approach the Court with clean hands.

15. While dealing with a similar circumstance where the petitioner had no locus to file the writ petition, this Court in the case of *Anil Versus Municipal Corporation of Delhi and Others*, 2025 SCC OnLine Del 3852, held as follows:

“xxx xxx xxx

**5. The present case is clearly an abuse and misuse of the process of law. Filing of such petitions, wherein, the petitioners have no direct interest, is deprecated by Courts. In the present case, it is evident that the petitioner does not have any connection with the property in question and is staying far away from therein. Thus, there is no cause of action in favour of the petitioner to file the present writ petition under Article 226 of the Constitution of India, as no right of the petitioner has been violated, for enforcing which, a writ petition could have been filed.**

6. This Court in the case of *Satish Kumar Tomar v. North Delhi Municipal Corporation*, 2022 SCC OnLine Del 1383, has held as follows:

“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*, 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*, 2021 SCC OnLine Del 4530, another Coordinate 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.**

xxx xxx xxx”

(Emphasis Supplied)

7. **It is evident that no legal or fundamental right of the petitioner is affected in any manner by any construction activity taking place in a property, which is situated approximately 10 KMs away from the residence of the petitioner. The present petition has clearly been filed for ulterior motives and not for enforcement of any fundamental right of the petitioner. Such a petition cannot be entertained by this Court.**

8. This Court is informed that the premises involved in the present petition, are already subject matter of another petition being W.P.(C) 3610/2025, titled as “*Dharmender Panwar v. Municipal Corporation of Delhi*”, which is next listed on 29th October 2025. Learned counsel appearing for MCD submits that part action has already been taken qua the property in question on 06th May 2025.

9. Considering the aforesaid, the present petition is dismissed with



cost of Rs. 50,000/-, payable by the petitioner to Delhi High Court Advocates' Welfare Trust ('A/c No. 15530210002995, Bank Name : UCO Bank, Branch Address : Delhi High Court, IFSC : UCBA0001553'), within a period of four weeks from today.

xxx xxx xxx”

(Emphasis Supplied)

16. While dismissing a petition with exemplary costs on the ground that the petitioner approached the Court with unclean hands, this Court in the case of *Munni Devi Versus Union of India and Ors., 2012 SCC OnLine Del 948*, held as follows:

“xxx xxx xxx

5. It is pertinent to note that yet again, there is not a whisper about the aforesaid facts in the present petition. The writ petition is absolutely silent as to the pending civil and criminal case between the petitioner and respondents No. 11 and 12. Instead, the petitioner portrays herself to be a law abiding citizen of the country and claims to have filed the present petition as a responsible citizen praying inter alia for directions to the civic authorities to undertake demolition of the unauthorized/illegal construction allegedly being carried out at the instance of respondent No. 11 to 17 in the entire area of Hingiri Encalve, Mukandpur Extension, Delhi and for initiation of a probe by the CBI.

6. On the face of it, the present petition is a gross abuse of the process of law. It is quite evident that under the garb of filing the present petition, the petitioner is out to settle her personal scores with respondents No. 11 to 17. She has approached the Court with unclean hands and has deliberately suppressed and concealed material information from the Court that she is already in litigation with respondents No. 11 and 12 and the civil suit is at an advanced stage of recording of ex-parte evidence. Besides the above, she has also lodged an FIR against the private respondents. All the above can only be termed as an attempt to mislead the Court.

7. The Court is of the opinion that petitioners like the present one ought to be dealt with sternly so as to ensure that in future litigants like her abstain from abusing the process of Courts by loading its dockets with mala fide and motivated litigation. In the higher interest of maintaining the overall health of the institutional body, such like petitions ought to be culled out with the acuity and precision of a surgeon using a scalpel to carve out a festering wound. In the above circumstances, this Court declines to entertain



*the present petition, which is dismissed without going into the merits of the case, with exemplary costs of Rs. 50,000/- imposed on the petitioner. The costs shall be deposited by the petitioner with the Bar Council of Delhi Advocates' Welfare Fund within two weeks from today. Proof of deposit shall be placed on record within the same time. In case the petitioner fails to place on record the proof of deposit of costs, the Registry shall place the matter before the Court.*

*8. Before parting with the present case, it is deemed expedient to take measures to stem the tide of frivolous and motivated litigation which is acquiring the proportions of a deluge. Directions are therefore issued to the Registry to ensure that henceforth, whenever a writ petition is filed by a party seeking issuance of a writ of mandamus to the civic authorities/local police to take action of sealing/demolition/removal of unauthorized construction in a particular premises, the owner/occupier of the said premises be impleaded as a co-respondent, and if there is any pending litigation between the petitioner and the owner/occupier of such premises, details thereof be furnished by the petitioner in the writ petition."*

*(Emphasis Supplied)*

17. Accordingly, the present writ petition is dismissed with cost of Rs. 50,000/- to be deposited with Delhi High Court Advocates' Welfare Trust ('A/c No. 15530210002995, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553'), within a period of four weeks, from today.

18. Proof of cost shall be deposited by the petitioner within a period of one week, thereafter.

19. This Court takes note of the submission made by learned counsel appearing for respondent-Municipal Corporation of Delhi ("MCD") that as regards the unauthorized construction existing in the property in question, requisite action has already been taken.

20. Accordingly, it is clarified that this order shall not come in the way of the respondents taking steps, in accordance with law in respect of any unauthorized construction in the subject property.



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

**MINI PUSHKARNA, J**

**SEPTEMBER 12, 2025/SK**