

\$~21

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

%

Judgment delivered on: 03.06.2021

+ W.P.(C) 3500/2021 & CM APPL.10596/2021

CHIRAG SAINI

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ikrant Sharma, Ms. Divya Upadhyay and Ms. Shweta Sharma, Advocates.

For the Respondent: Ms. Namrata Mukim, Standing Counsel, North DMC with Ms. Garima Jindal, Advocate for R-1 & 2.
Ms. Anya Singh, Advocate for R-3/SHO P.S.Civil Lines.
Mr. Lalit Gupta and Mr. Siddharth Arora, Advocates for the co-owner Intervenor/Ms. Navita Aggarwal.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a mandamus against respondents North Delhi Municipal Corporation and the SHO, Police Station Civil Lines to demolish the alleged illegal and unauthorised construction being carried out by builders on the property No.21 & 21-A, Raj Niwas Marg, Civil Lines, Delhi.

Signature Not Verified

Digitally Signed By: RUNAL
MAGGU
Signing Date: 03.06.2021 20:19:47
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 3500/2021

Digitally Signed 1
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 03.06.2021
19:32

3. It is contended by the petitioner that petitioner is a follower of Christianity and visits the church on weekly basis since his childhood and is the Chairperson of Christian Fellowship Trust and is also the President of an NGO under the name of Atulit Foundation. Petitioner contends that illegal construction is being carried out in property bearing No.21 and 21-A, Raj Niwas Marg, Civil Lines, Delhi.

4. It is contended by the petitioner that as per his sources he has come to know that the subject property earlier belonged to Baptist Church Trust Association.

5. In the petition the names of the trustees have also been disclosed and it is alleged that the property has been sold in the year 2005 to the Aggarwal family. Petitioner has also stated that the property was sold by way of two separate documents which were registered. It is alleged that the property is being constructed in connivance with the officers of the Municipal Corporation.

6. When petitioner was enquired about the *locus standi* of the petitioner to file the subject petition, petitioner has not been able to show any connection with the subject property. It is an admitted position that petitioner does not reside in the neighbourhood of the subject property. Petitioner resides in Arya Pura Subzi Mandi near Roshnara Road and the subject property is in Civil Lines, Delhi which is separated by several kms.

7. Perusal of the document of registration of the Christian Fellowship Trust shows that the document was executed on a stamp paper purchased on 25.02.2021 and executed on 03.03.2021. Subject petition has been filed on 15.03.2021. It appears that the said document has been created solely to create an impression that petitioner has some association with Christian community.

8. Mr. Lalit Gupta, Advocate intervenes on behalf of Ms. Navita Aggarwal and submits that she is one of the owners of the subject property. He submits that his enquiry from the Delhi High Court website has revealed that petitioner had filed as many as 11 writ petitions in the Registry against *inter alia* the North Delhi Municipal Corporation out of which 10 petitions have been returned under objections and don't seem to have been re-filed and the subject petition is the 11th petition as per the status report available on the High Court website.

9. Ms. Mukim, learned counsel appearing for the North Delhi Municipal Corporation submits that she has received instructions that the department has received advance notices in 18 cases since 2019, but most of the cases have not been listed. She submits that petitioner appears to be a habitual litigant and is filing cases after cases.

10. On merits of the case she submits that there is a sanctioned building plan for raising construction on the subject property and till

date no deviation has been noticed by the Corporation from the sanctioned building plan.

11. She submits that in the present pandemic if frivolous petitions are filed by persons unconnected with the properties without verification of correct facts, it would entail the officers of the Corporation to travel and carry out inspection thus exposing them to risk.

12. She submits that the petition does not disclose any cause as to why subject petition has been filed since there is no breach of any building bye-law and the construction is being raised after sanction of a building plan.

13. Perusal of the petition further shows that the contentions raised by the petitioner is with regard to an alleged illegal sale by the owner of the property i.e. the trust. It is pointed out by Mr. Lalit Gupta, learned counsel appearing for Ms. Navita Aggarwal that the property was owned by a company and was purchased from a company and not from any trust.

14. He further points out that there is no challenge to any ones title but, the challenge is only to raising of an illegal unauthorised construction.

15. As stated by learned counsel appearing for the Municipal

Corporation that there is a sanctioned building plan and there is no deviation as of now noticed by the Corporation to warrant any action to be taken at this stage.

16. The petition clearly has been filed for certain ulterior motives. Petitioner clearly does not have any connection with the subject property nor is a neighbour who is affected by the subject property.

17. There is also nothing stated in the petition as to on what basis petitioner alleges that there was a trust and the subject property has been sold by the trust or any illegal construction is being raised.

18. Since there is a sanctioned building plan, it is clear that Petitioner has filed this petition without verifying any fact.

19. Further, the averments in the petition also do not inspire any confidence. Accordingly, I am not inclined to entertain the petition. Consequently, the petition is dismissed with costs of Rs.25,000/- to be paid to the "*PM Cares Fund*". Receipt of deposit of costs be furnished to the Registry within a period of four weeks from today.

20. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

JUNE 3, 2021/rk

SANJEEV SACHDEVA, J.

W.P(C) 3500/2021

Signature Not Verified

Digitally Signed By: RUNAL
MAGGU
Signing Date: 03.06.2021 20:19:47
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed 5
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 03.06.2021
19:32