

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

Date of decision: 21st MARCH, 2023

IN THE MATTER OF:

+ **W.P.(C) 11123/2021 & CM APPL. 10096/2022**

ANITA SHARMA

..... Petitioner

Through: Mr. Shahid Ali and Mr. Sameer
Tayyeb, Advocates.

versus

EAST MUNICIPAL CORPORATION AND ANR Respondents

Through: Mr. Tushar Sannu, Standing Counsel
for MCD with Mr. Abhinav Verma,
Advocate.

Mr. Anuj Aggarwal, ASC GNCTD
with Ms. Ayushi Bansal, Mr. Sanyam
Suri, Ms. Arshya Singh, Advocates
for R-3.

Mr. Anirudh Bakhru, Mr. Sehdev
Rana, Ms. Umang Rawat, Mr.
Abhinav Chhabra, Mr. Aman
Kaushik, Advocates for R-4.
SI Sunit Kumar, PS Gandhi Nagar

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The instant Writ Petition has been filed as a Public Interest Litigation (“PIL”) under Article 226 of the Constitution seeking a Writ of Mandamus or any other appropriate writ/ order/ direction to Respondent Nos. 1,2 & 3 to restrain Respondent No. 4 from carrying out further construction at No. 9/ 1018 old no. 489 Khasra No. 550/393/61 measuring 3540.88 Sq. Mtrs. situated at Prem Gali East, Gandhi Nagar, Delhi, (“Subject Property”), and to

further direct Respondent Nos. 1,2 & 3 to take action as per law on the basis of the complaints filed by the Petitioner with the said authorities.

2. The Petitioner herein has stated herself to be a social worker who is actively engaged in helping various Non-Governmental Organizations (“NGOs”). Respondent No. 1 herein is the erstwhile East Delhi Municipal Corporation (“EDMC”) which now stands merged with other civic bodies and now comes under the Municipal Corporation of Delhi (“MCD”), Respondent No. 2 is the Monitoring Committee of the MCD, Respondent No. 3 is the Station House Officer (“SHO”) of Police Station, Gandhi Nagar, Delhi, under whose jurisdiction it has been stated that the property in question is situate, and Respondent No. 4 herein is M/s Parmesh Multiplex Pvt. Ltd., i.e., the owner of the Subject Property as stated by it on the counter affidavit filed by it.

3. At the outset, it is pertinent to note that the Petitioner had preferred an earlier Writ Petition bearing No. 10500/ 2021 on the same subject matter. However, it came to be dismissed as withdrawn *vide* an Order dated 20.09.2021 of a Ld. Single Judge of this Court with a right to file a PIL, in accordance with the Delhi High Court Public Interest Litigation Rules, since it was canvassed by the Petitioner therein that the grievances raised were for the benefit of the public at large.

4. It has been stated by the Petitioner that sometime in 2019 when she had visited the area of Prem Gali in Gandhi Nagar, she had noticed a large piece of land being dug up wherein a famous cinema hall named as ‘Laxmi Cinema’ used to function on the Subject Property. It is the case of the Petitioner that the construction which is being undertaken at the Subject Property is illegal and unauthorised. The Petitioner has stated that she

received several complaints from local residents and senior citizens regarding the illegal and unauthorized construction at the Subject Property. It is stated by the Petitioner that the complainants had requested the Petitioner to move the Court on their behalf as they cannot take legal recourse by themselves. It is further stated that no action is being taken by the MCD and other departments on the written complaints made by the Petitioner regarding the illegal and unauthorised construction being carried out on the Subject Property by Respondent No. 4. Hence, the Petitioner has been constrained to move this Court *vide* the instant Writ Petition.

5. The Petitioner has submitted that the illegal and unauthorised construction on the Subject Property is violating the Master Plan for Delhi, 2021 (“MPD, 2021”). It was stated that when she was visiting the locality of Gandhi Nagar, Delhi, she saw digging work ongoing at the Subject Property and at the relevant point in time, ground at least 30-40 feet below the road level had been dug up. It has been stated that upon inquiring from people within the locality, it came to her knowledge that a shopping complex with two floors below ground level, i.e., two basements will be laid, in order to provide parking space for shops which would be constructed in the Subject Property. It has been submitted that in the area of Gandhi Nagar and Laxmi Nagar, there have been many unfortunate incidents of building collapses which have claimed the lives of people. Various examples of the same were cited by the Petitioner along with annexures of newspaper clippings to substantiate her contentions. It is also stated that due to the locality’s proximity with the Yamuna River, the same has led to cases of water logging in basements in the past.

6. It is submitted by the Petitioner that the Subject Property is situate in

a crowded locality where thousands of people are present during construction hours and even thereafter, there are multiple street vendors and labourers present. Further, the roads adjacent / surrounding the Subject Property are extremely narrow. It has been submitted that in case the Subject Property collapses, it would be nearly impossible to carry out any evacuation operations. The Petitioner has stated that she took it upon herself to inquire into the sanction of the building plan/ the type of construction planned and allowed at the Subject Property.

7. In furtherance of the same, the Petitioner had filed an application dated 02.04.2019 with Respondent No. 2 and thereafter another dated 02.05.2019 with the Vice-Chairman, Delhi Development Authority (“DDA”) *inter alia* alleging that there was illegal construction ongoing at the Subject Property. Subsequently, the Petitioner had also proceeded to file various RTI Applications with the Public Information Officer, Patparganj, the Public Information Officer, Fire Service Head Quarters, and the erstwhile EDMC, on 15.05.2019, 29.05.2019, 06.06.2019, 16.07.2019 and 23.06.2021. The queries raised by the Petitioner revolved around the nature of construction ongoing at the Subject Property, whether Respondent No. 4 got any site plan sanctioned for the construction ongoing at the Subject Property, whether basement level constructions are permissible at the Subject Property, the number of floors permitted for construction by the sanctioned site plan, which officer passed the site plan for construction on the subject property, and whether any No-Objection Certificate (“NOC”) has been obtained from the fire department for construction on the Subject Property.

8. *Vide* replies dated 24.05.2019, 25.06.2019, 27.06.2019, 24.07.2019

and 02.08.2021, the authorities to whom questions were raised by the Petitioner, had *inter alia* responded by stating that the building plan on the Subject Property had been sanctioned by the office of the EDMC for construction of a residential building and that as per MPD, 2021, construction of a basement is allowed. It was further stated that the building plan for construction on the Subject Property has been sanctioned by Building HQ, EDMC, *vide* ID. No. 10050379 on 20.06.2018.

9. It has also been submitted by the Petitioner that the reply of the Fire Department dated 27.06.2019 pursuant to the RTI Application of the Petitioner dated 29.05.2019 clearly shows that NOC has not been obtained from the Fire Department.

10. It was submitted by the Petitioner that at the first instance, she believed the answers provided by the departments pursuant to its applications to be bonafide. However, after noticing the deployment of several security guards at the Subject Property; noticing that the Subject Property was fully covered with tin shades/ barricades to ensure that the kind of construction being laid is not noticed/ unveiled, and noticing the fact that the structure which has been created is one which is a commercial complex and not a residential building, the Petitioner proceeded to file Application dated 23.06.2021 under the Right to Information Act, 2005.

11. It is the case of the Petitioner that the replies to all the Applications filed by the Petitioner under the Right to Information Act, 2005 were dealt with by the relevant authorities in an evasive manner and no cogent answers were provided to the genuine queries of the Petitioner. The Petitioner submitted that the replies it received from Respondent No. 1 pursuant to the RTI Applications filed by the Petitioner were contradictory and not in

consonance with the Corporation's stand.

12. It was submitted that as per MPD, 2021, only a society can be permitted on a plot which is larger than 3000 sq. mtrs. and the maximum ground coverage on a plot of more than 3000. sq. mtrs. cannot be more than 33.3 %. Further, the maximum FAR cannot also exceed 200 and the plot should be road facing with a minimum width of the same being 18 metres. The Petitioner has relied upon provisions of the MPD, 2021 regarding group housing to buttress the said contentions.

13. The Petitioner has annexed the photographs displaying the construction at the Subject Property along with this Petition, and that as per the captured pictures, it can in no manner be construed that the building being constructed on the Subject Property is a residential building. The Petitioner has further submitted that Respondent No. 4 has also gone ahead to start accepting bookings in the building being constructed on the Subject Property.

14. The Petitioner has approached this Court by filing the instant writ petition with the following prayer:-

“a) Issue a Writ of Mandamus or any other appropriate Writ, order or Directions thereby directing and commanding the respondent no.1, 2 and 3 to restrain the respondent no. 4 from carrying out further construction at the site of Laxmi cinema, bearing No. 9/1018 old no. 489 Khasra No. 550/393/61 measuring 3540.88 Sq. Meter situated at Prem Gali East, Gandhi Nagar and further for directing the respondent no.1 to 3 to take actions as per law on the complaints filed by the petitioner by way of issuing appropriate actions under the provisions of DMC act and directing the respondent no.2 to comply with rules and regulations and directions of this Hon'ble court issued from time to time concerning the illegal and unauthorized

construction in respect of the construction sites belonging to the respondent no. 4.”

15. During the course of proceedings, as per Order of this Court dated 08.11.2021, Respondent No. 1 was directed to file its reply to the Petition, specifically placing on record the plans approved by Respondent No. 1 with respect to construction on the Subject Property, a report detailing the construction ongoing therein, and photographs depicting the construction on the Subject Property. Accordingly, a status report came to be filed by Respondent No. 1.

16. It has been submitted by Respondent No. 1 that construction on the Subject Property was sanctioned in accordance with law, comprising of a basement for domestic storage, stilt for vehicle parking, a ground, first, second and third floor for development of dwelling units on each floor, as per approved parameters of the project. It is submitted that construction on the Subject Property has been sanctioned for residential purposes only.

17. It was submitted that the first application dated 19.06.2018 for sanction to erect/ alter building to carry out development on the Subject Property was sanctioned *vide* letter dated 20.06.2018 under Section 336 of the Delhi Municipal Corporation Act, 1957 *vide* File No. 10050370, upon a condition that the party will convert the house into dwelling units of each floor as per the approved parameters of the project, and shall use the premises only for residential purpose. It was submitted that in the year 2020, Respondent No. 4 filed another application for redevelopment *vide* application dated 20.01.2020 which was allowed *vide* a sanction letter dated 05.02.2020, bearing file No. 10050379.

18. It is the submission of Respondent No. 1 that Clause 4.4.3A of MPD,

2021 relates to 'Residential Plot-Plotted Housing' with plot sizes ranging from 50 Sq. Mtrs. to above 3750 Sq. Mtrs., while Clause 4.4.3B of MPD, 2021 relates to 'Residential Plot-Group Housing' with plot size ranging above 3000 Sq. Mtrs. It is submitted that the construction on the Subject Property has been sanctioned under Clause 4.4.3 A of MPD, 2021, thereby granting a sanctioned ground coverage of 50 %. It is submitted that a sanction under the said clause also entitles one for a total sanctioned FAR of 199.986 against the maximum permissible FAR of 200.

19. With regards to the contention of the Petitioner regarding the roads being too narrow at the location of construction, i.e., on the Subject Property, it was submitted by Respondent No. 1 that there is no requirement of an 18 Metre wide road. It was submitted that the sanction of the plan for construction on the Subject Property was granted in terms of Clause 4.4.3A of MPD, 2021 and that the provisions with regards to requirement of an 18 Metre wide road are only applicable to plans sanctioned under Clause 4.4.3B of MPD, 2021. Thus, the said requirement is not applicable for construction on the Subject Property.

20. On the contention of the Petitioner regarding requirement of No-Objection Certificate from the Fire Department for sanction of the building plan, it was submitted by Respondent No. 1 that the same is not required. It was submitted that the sanctioned height of the building at the Subject Property is less than 15 Metres and as such, No-Objection/ NOC of the Delhi Fire Service Department is not required.

21. The Respondent No. 1 further submitted that the Subject Property is appropriately fenced/ walled. It was submitted that the construction on the subject property does not pose dangers to any pedestrians/ third-parties. It

was submitted that the subject property in question is surrounded by boundary walls, protective screens etc. and as per conditions of the sanctioned building plan, the responsibility of the correctness of information/ application of technical provisions fully vests with the owner/ consultant/ architect/ engineer etc. for utility services and they will be liable as per the law, in case of any violation.

22. It was submitted by Respondent No. 1 that the construction on the Subject Property has been duly inspected and so far, it has been found to be in consonance with the sanctioned building plan. It was submitted that as per the sanctioned plans, only one level of basement has been allowed and as per inspections carried out, only one level of basement has found to be constructed at the subject property, in accordance with the sanctioned plans. It was submitted that as per the inspection carried out, at the relevant point in time, it was noticed that a bare structure of basement, stilt, ground, first, second and third floor have been constructed and no non-compoundable deviations were noticed. It was submitted that when the inspection was carried out, it was noticed that the Subject Property was not occupied at the moment and was still under construction. It was submitted that there was no question of any commercial activity being undertaken at the building since the same was still just a bare structure.

23. It was submitted by Respondent No. 1 that its officials have been regularly inspecting the site and till date, no illegal use or unauthorized construction has come to be noticed. It was submitted that if any unauthorised construction or misuse comes to the notice of Respondent No. 1 in the future, the same shall be dealt with in accordance with law under the provisions of the Delhi Municipal Corporation Act, 1957. It was submitted

that all the terms and conditions mentioned within the sanction letter issued, are being adhered to. In particular it was mentioned that no debris, construction material etc. should be lying outside the subject property and that the property in question be surrounded by boundary walls, protective screens etc. on all sides and that there be no risk caused to any pedestrians/ third-parties etc. It was submitted that moreover, there are sufficient setbacks on all four sides of the building under construction and there is no risk to any pedestrians.

24. It was submitted that subsequent to the Order dated 08.11.2021 passed by this Court, Respondent No. 1 duly inspected the subject property to look into the veracity of the submissions put forth by the Petitioner. It was submitted that upon thorough inspection of the subject property, no non-compoundable deviations were found, the building in question was well within the ambit of MPD, 2021 and the building bye-laws, 2016. It was submitted that in future, if any violation is noticed, action will be taken as per provisions of the Delhi Municipal Corporation Act, 1957, MPD, 2021 and the building bye-laws, 2016. It was submitted that the relevant photographs directed to be filed by this Court *vide* Order dated 08.11.2021 have also been annexed with the counter affidavit filed by the Respondent No. 1.

25. It was submitted by the Respondent No. 1 that the accidents and incidents of collapse which have been raised by the Petitioner have no bearing on the instant case and are irrelevant. Further, Respondent No. 1 is not privy to the Applications and RTIs filed by the Petitioner before the Monitoring Committee or DDA, and thus cannot reply upon the same. It was submitted that the Petitioner herein is amplifying the issues canvassed

herein, beyond reasonable proportions.

26. It was submitted by the Respondent No. 1 that the Petitioner has failed to annexe a single complaint received by it from the local residents of the area wherein the Subject Property is situate and that there is no ground for her to move this Court under the guise of a PIL. It was submitted that there is no public interest involved herein, rather the Petition is motivated by private interest and ulterior motives. It was submitted that the stand of the Petitioner that on the basis of certain alleged complaints the Petitioner proceeded to file this PIL, is bereft of any proof. Further, just on the basis of whims and fancies of the Petitioner, every building/ construction sanctioned in East Delhi cannot be construed to be a potential hazard.

27. It was submitted by the Respondent No. 1 that the sanction letter for construction on the Subject Property has also been issued in conformity with the guidelines issued by the National Green Tribunal (“NGT”) and it is a condition therein that it is a mandatory obligation on the owner to properly screen the construction site off the main road by way of erecting a screen wall of no less than 8 ft. in height from ground level which is to be painted to avoid an unpleasant look from the road side. In addition to this, a net or some sort of protective material is required to be hoisted at the facades or the building to ensure that any falling material remains within the construction area and doesn’t cause any harm to pedestrians/ third-parties. It is submitted that the Petitioner must have observed the aforesaid structures being mounted at the Subject Property by Respondent No. 4, in compliance of these guidelines and that the structures erected have not been made to veil the type of construction ongoing at the Subject Property.

28. It is further submitted by the Respondent No. 1 that if the Petitioner

was dissatisfied with the replies furnished by the relevant authorities pursuant to the complaint/ RTI Applications filed by the Petitioner, she was free to approach the First Appellate Authority described in the replies furnished by the departments, a remedy which she did not avail, and she decided to pursue this PIL without exhausting all her alternate remedies.

29. It is further submitted by the Respondent No. 1 that the Petitioner must be put to strict proof to substantiate her claims and that the photographs submitted by the Petitioner do not show any alleged constructions with respect to the basement. It is submitted that the submission of the Petitioner that the construction being carried out on the Subject Property by Respondent No. 4 is illegal and unauthorised, is baseless and cannot be substantiated by her.

30. A counter-affidavit has also been filed by Respondent No. 4 which was taken on record by this Court. It has been submitted by Mr. Anirudh Bakhru, Id. Counsel appearing for Respondent No.4, that the entire case of the Petitioner is based upon an alleged oral statement heard during an alleged meeting with Respondent No. 2, and that there is nothing on record to prove that the allegations levelled by the Petitioner herein are true. No concrete material has been placed on record by the Petitioner in support of her case.

31. Mr. Bakhru has supplemented the stand of Respondent No.1 regarding the building plans which were sanctioned by it to Respondent No.4 for construction on the Subject Property by stating that Form B-1 dated 25.06.2018 was duly granted to Respondent No. 4 as per available records and thereafter a revised building plan dated 05.02.2020 was sanctioned by

Respondent No. 1 in respect of construction on the Subject Property to Respondent No.4 vide File No. 100503709.

32. It is submitted by Mr. Bakhru that the sanctioned building plan has been issued for construction of a new residential building on the Subject Property in accordance with law, comprising of one basement, a stilt parking, a ground, first, second and third floor. Further, that the sanctions have been granted as per Clause 4.4.3A of MPD, 2021 which allows for a ground coverage of 50%.

33. It has been submitted by Respondent No. 4 that it has entrusted a reputed professional architecture firm, i.e. M/s S.S. Bhatia & Associates to supervise construction on the Subject Property and that Respondent No. 1 had addressed a notice bearing No. EE-(B)-1 SH-S,2021/D1441, dated 21.10.2021 to the said firm intimating it about the instant PIL and asking the firm to submit a report detailing deviations, if any, which have occurred while carrying out works at the Subject Property.

34. It is submitted by Mr. Bakhru that a reply to the said notice was issued by the Architectural firm for Respondent No. 4, stating that construction on the Subject Property is being carried out as per revised sanction plan dated 05.05.2020 and that as on date, there are no deviations from the sanctioned plan. The notice stated that as per the revised sanction plan, construction on the Subject Property can be completed within 5 years, i.e., by 04.02.2025. Further, that the Subject Property is not going to be used for any commercial purposes and any allegations regarding such intended use are false. It was also stated that there is absolutely no debris, construction material etc. lying outside the boundary walls of the Subject Property and that the construction ongoing therein is surrounded by

boundary walls, protective screens etc. to ensure that there is no danger/ risk posed to any pedestrians/ third parties etc.

35. It was submitted by Respondent No. 4 that the Petitioner has falsely alleged in its Petition that there are two basements/ 30-40 deep basement is being constructed at the Subject Property to be used for parking for vehicles. It is submitted that the Respondent No. 4 was undertaking constructions to ensure that there is a proper provision for a stilt parking for residential use as per the sanctioned building plan. It is submitted that the Petitioner has made false allegations on the basis of false assumptions, conjectures and surmises.

36. It is submitted that the Petitioner has falsely alleged that the construction on the Subject Property is being carried out with 100 % ground coverage and that in reality, ground coverage is only about 50 %, as per sanctioned plan and MPD, 2021. Further, the Petitioner has falsely alleged that the 4th Floor in the building being constructed on the Subject Property. It is submitted that such baseless allegations have intentionally been made to misguide this Court.

37. It is submitted by Respondent No. 4 that the photographs annexed by the Petitioner regarding construction on the Subject Property have been filed in a malicious manner. It is stated that the photographs annexed with the Petition are that of an adjoining property and on the basis of the same, the Petitioner is falsely contending that commercial activity is ongoing on the Subject Property. It is submitted that the pictures annexed by the Petitioner to buttress its submissions are not that of the Subject Property and are liable to be struck off the record by this Court.

38. It is submitted by Mr. Bakhru that the assertion of the Petitioner that only Group Housing Societies are permitted under MPD, 2021 on plots above

3000 Sq. Mtrs. is false. It is submitted that the contention of the Petitioner that plans can only be sanctioned under Clause 4.4.3B of MPD, 2021 in respect of the Subject Property is false and that the requirements under the said Clause are not applicable to the Subject Property, since the building plan has in fact been sanctioned under Clause 4.4.3A of MPD, 2021.

39. It is submitted that the contentions of the Petitioner that an NOC is needed from the fire department, that tin shades have been installed by the Respondent No.4 to hide unauthorized construction and that debris is lying on the roads surrounding the Subject Property are all false. It is stated that none of the aforesaid allegations hold true. With regards to NOC from Fire Department, it was stated that the same is not required as the sanctioned height of the building plan is less than 15 metres and no such requirement exists under Clause 4.4.3A of MPD, 2021. Further, that the Subject Property has been screened properly by Respondent No. 4 in accordance with the terms of the sanction letter dated 05.02.2020 and not to cover any illegal or unauthorised construction.

40. It is submitted by Respondent No. 4 that the news items relied upon by the Petitioner to substantiate her contentions have no relevance or similarity to the instant case and the subject property. The same has only been cited by the Petitioner in order to mislead this Court.

41. It was submitted by Respondent No.4 that there is no public interest involved in this instant Petition and that it is a gross abuse of the process of law lined with ulterior and private motives. It is submitted that the Petitioner does not have any *locus standi* to file this Petition and no public interest is in fact involved in this matter. Furthermore, the entire petition is marred with

material misrepresentations, factual inaccuracies and concealments which appear to have been intentionally made by the Petitioner.

42. It is submitted by Respondent No. 4 that certain individuals have been committing various offences and threatening extortion and other criminal offences against the owners of the Subject Property. Thus, on the basis of the conduct of the Petitioner, Respondent No. 4 has reason to believe that the Petitioner might be acting on behalf of said anti-social elements.

43. Heard learned Counsels appearing for the Parties and perused the material on record. In the considered opinion of this Court, subsequent to the filing of status report by Respondent No. 1 in this matter, nothing survives for consideration.

44. The present writ petition though styled as a PIL is, in fact, the second petition filed by the Petitioner complaining about the unauthorized construction over the subject property. The gravamen of the complaint is that as per the Master Plan for Delhi-2021, the said property can be used only for residential purposes. It is the contention of the Petitioner that according to the Master Plan, a plot which is larger than 3,000 sq. mtrs., can be given only for group housing and the construction coming up in the same by no means can be termed as commercial. The Petitioner has also filed photographs of the building to buttress her arguments along with the provisions of the Master Plan for Delhi-2021.

45. The Respondent/MCD has filed a Status Report/counter affidavit, wherein it has been stated that:-

- a. The sanction which was granted to Respondent No.4 is under Clause 4.4.3.A of Master Plan for Delhi-2021 and the construction is taking place as per the sanction.

- b. There is no requirement of 18 metre wide road around the subject property.
- c. There is no requirement of No-Objection Certificate from the Fire Department for sanction of the building plan.
- d. The property is properly fenced/walled.
- e. The property has been duly inspected and the construction is in consonance with the sanction plan.

46. A perusal of the counter affidavit discloses that the construction is as per the permission granted by the MCD and that the MCD is keeping a vigil on the construction. Despite this assurance, the Petitioner, reasons not known to this Court, wants to persist with this matter.

47. In view of the categorical statement made on affidavit by the MCD, there is no reason for this Court to doubt the stand taken by the MCD.

48. In fact, after the counter affidavit was filed by the MCD, the Petitioner instead of accepting the statement made on affidavit has tried to question the bonafides of the MCD without there being any basis which leads this Court to suspect the bonafides of the Petitioner. Nothing has been produced before this Court for this Court to suspect the affidavit filed by the MCD.

49. This Court is being plagued by frivolous PILs which are consuming considerable and precious time of this Court and instead of concentrating on issues which are of vital importance this Court has to spend valuable time in deciding such frivolous petitions.

50. Public Interest Litigation was conceptualised as a weapon to secure justice for the voiceless. The Apex Court said that Public Interest Litigation has to be used with great care and circumspection and the judiciary has to be

extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. The attractive brand name of Public Interest Litigation should not be used for suspicious products of mischief and should be aimed at genuine public wrong or public. Courts must be careful to see that a member of public who approaches the Court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration [Refer to: B. Singh (Dr.) v. Union of India, (2004) 3 SCC 363].

51. It will be travesty of justice for the resources of the legal system to be consumed by misdirected petitions purportedly filed in the public interest which upon due scrutiny are found to promote a personal, business or political agenda. In fact, Public Interest Litigations which have been filed with oblique motive seriously denude the efficacy of the judicial system by detracting from the ability of the Court to devote its time and resources to cases which legitimately require attention. Public Interest Litigations which are motivated poses a grave danger to the credibility of the judicial process and also has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law [Refer to: Tehseen Poonawalla v. Union of India, (2018) 6 SCC 72].

52. The Petitioner herein first filed applications under the Right to Information Act and the authorities in response to the said RTI applications stated that the building plan has been sanctioned by the officers of the municipal corporation and the construction of the building is as per MPD, 2021. Not satisfied with the answers, the Petitioner has chosen to approach this Court. In order to satisfy its conscience, this Court issued notice in the

matter. The Municipal Corporation of Delhi has in its affidavit stated that the construction is taking place as per the sanctioned plan.

53. The Petitioner for reasons best known to her has chosen to disbelieve the MCD without any valid reason. This gives a strong suspicion that the submission made by Respondent No.4 that certain individuals are trying to extort money from the owners of the subject property might be true.

54. This Court is satisfied with the affidavits filed by the MCD. Even though this PIL is not in public interest, but this Court is desisting from imposing costs on the Petitioner, who is a lady. It is also needless to state that in case there are deviations from the sanctioned plan by Respondent No.4, the municipal corporation must proceed in accordance with law and shall not treat this Judgment as a licence for Respondent No.4 to carry out any construction even if it is in violation of sanction plan.

55. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SATISH CHANDRA SHARMA, C.J.

SUBRAMONIUM PRASAD, J

MARCH 21, 2023

hsk/D