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

+ **W.P.(C) 9108/2024 & CM APPL. 37270/2024, CM
APPL.37271/2024**

ABHIJIT ANAND

.....Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondent

Through: Mr. Ashutosh Gupta, Adv.
Ms. Shobhana Takiar, SC, DDA for
R-2.
Mr. Raghvendra Upadhyay, Panel
Council, GNCTD, Ms. Purnima Jain
and Mr. Vaibhav Tripathi, Adv. for
R-4.
Ms. Sangeetha Bharti, SC, DJB with
Ms. Vidushi Gupta, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **08.07.2024**

CM APPL. 37269/2024

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 9108/2024

3. The petitioner alleges various violations with respect to the property in question.
4. He also submits that the property is required to be used for residential purpose, however, the same is being used for commercial purpose.



5. A perusal of the facts would indicate that the petitioner himself was the tenant in the said property.
6. In view of the averments made in the petition and upon perusal of the documents that are placed on record, it appears that the petitioner wants to settle his scores with respondent No. 6 and therefore, he has filed the instant writ petition.
7. It is trite that the remedy under Article 226 of the Constitution of India is equitable and a discretionary one. A party who approaches the Court is expected to invoke the writ jurisdiction with clean hands. On the contrary, the reason for which Article 226 of the Constitution of India appears to have been invoked in the instant case does not involve any element of public law, rather the same is apparently invoked seeking personal benefits.
8. Thus, under the facts of the present case, the Court is not inclined to entertain the writ petition at the instance of the petitioner.
9. Accordingly, the same is dismissed along with pending applications.
10. However, the respondent-MCD is directed to take note of the misuse of the property in question and the respondent-MCD shall take appropriate action, in accordance with law, if necessary.

PURUSHAINDRA KUMAR KAURAV, J

JULY 8, 2024/NG