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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 674/2025 and CM APPL. 3305/2025

JOGINDER SINGH

.....Petitioner

Through: Mr. Sunil Prasad, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
THROUGH ITS DEPUTY COMMISSIONER
& ORS**

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh Luthra, Advocates for Respondent No.1/MCD.

Ms. Reema Khorana, SPC and Mr. Vikash Kumar, Advocate with SHO Puneet Bharti, PS: Kalindi Kunj, for Respondent No.2.

Ms. Prabhsahay Kaur, Standing Counsel with Mr. Bir Inder Singh Gurm, Advocate for Respondent No.3/DDA.

Mr. Shiv Shankar Parashar, Advocate for owner of property.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“i . Issue a writ, order or direction in the nature of MANDAMUS or any other appropriate writ thereby directing to stop the illegal and unauthorized construction being carried by respondent no . 4 at the suit property No . G- 124/A, Block-G, Khadda Coloney, Jaitpur Extn-II ,Badarpur , Delhi-44 which is situated at khasra no . 655 , measuring 200 sq yards and further directing the respondent no . 1 to remove the encroachment and demolish the illegal and unauthorized structures already constructed on the suit property .

ii. Issue writ in nature of Mandamus and to pass orders and direction against the respondent no. 4 not to commit any violence of the provision of Delhi Municipal corporation Act,1987 and building by laws therein. The



direction may be issue to Respondent no.1, 2 and 3 to take appropriate action and to register the criminal case against the respondent no. 4 for carrying out the unauthorized and illegal construction over the suit property.”

2. At the outset, Ms. Prabhsahay Kaur, learned Standing Counsel appearing for Special Task Force (‘STF’) and Mr. Kapil Dutta, learned counsel appearing for MCD take an objection to the maintainability of this writ petition on the ground that it lacks the material particulars required to be furnished by the Petitioner in terms of order of this Court delivered on 12.07.2024 in ***Tara Devi v. Municipal Corporation of Delhi Through Its Commissioner & Anr., Cont.Cas(C.) No.548/2023***, wherein the Court has directed that a person who alleges unauthorized construction must file an affidavit on the aspects enumerated in paragraph 4 of the order. It is submitted that the present petition apparently arises out of a private dispute between the Petitioner and Respondent No.4 and therefore it was imperative that Petitioner disclosed the necessary details such as his occupation; number of petitions filed in the past; any unauthorized construction in his own property etc. and more importantly if he has any dispute with Respondent No.4. For this reason, according to the Respondents, the writ petition deserves to be dismissed. It is also brought forth that there are serious typographical errors in the averments in the writ petition and Petitioner should not be permitted to file a writ petition in such a callous manner.

3. Faced with this, counsel for the Petitioner seeks to withdraw this writ petition with liberty to file a fresh petition disclosing the details as directed by the Court in ***Tara Devi (supra)***.

4. Court has perused the writ petition. There are indeed very serious



typographical errors in the body of the writ petition, which reflect the callousness with which the writ petition has been drafted and signed. Be it noted that Respondent No.4 also takes an objection that the photographs appended to the writ petition purporting to reflect the illegal construction carried out by Respondent No.4 are false as the property shown therein does not belong to him. In my view, Petitioner should have been more serious in filing the writ petition. As rightly pointed out by counsels for the Respondents the material particulars as directed by the Court in *Tara Devi (supra)* are also conspicuously missing.

5. Accordingly, this writ petition is dismissed with costs of Rs.10,000/- to be paid in favour of the Delhi High Court Bar Clerk's Association, Account No.15530100006282, UCO Bank, Delhi High Court, within three weeks from today. Liberty is granted to the Petitioner to file a fresh petition with complete particulars, in accordance with law.

6. At this stage, learned counsel for MCD, on instructions, submits that the property in question bearing no. G-124/A, Block-G, Khadda Colony, Jaitpur Extension-II, Badarpur, Delhi has been booked and necessary action will be taken in accordance with law. This order will not preclude MCD from taking any action as per law and in consonance with the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

7. This order is passed without prejudice to the rights and contentions of Respondent No.4.

8. Pending application also stands disposed of.

JYOTI SINGH, J

JANUARY 21, 2025

B.S. Rohella