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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4764/2025**
NAVEEN KUMARPetitioner

Through: Mr. Animesh Shukla, Adv.
versus

MUNICIPAL CORPORATION OF DELHI (MCD) & ORS.

.....Respondent

Through: Mr. Vikas Chopra, SC, MCD, Mr. Tushar Sannu, SC, MCD, Ms. Anita R. Mishra and Ms. Khushi, Adv.
Ms. Shobhna Takiar, SC, DDA with Mr. Kuljeet Singh, Adv.
Mr. Mohit Jolly, Ms. Shikha Bhardwaj, Adv. for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

22.04.2025

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CM APPL. 21939/2025

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

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3. Heard the learned counsel for the parties.
4. By instituting this petition, ostensibly filed in public interest, the petitioner makes a prayer for issuing a direction to the Municipal Corporation of Delhi (MCD) to seal and demolish an alleged illegal and unauthorized commercial construction. Several other prayers have also been made, however, the grievance which appears to have been raised primarily is that respondent No.4 has raised certain illegal construction in the sense that though he got a plan sanctioned for construction of residential building, however, he has raised commercial construction.



5. When we inquired from the learned counsel for the petitioner as to how is it being averred by him that plan was sanctioned for residential building, he has stated that this was revealed to him on an oral inquiry from the office of the MCD. However, what we notice is that no such plan has been enclosed with the petition which could have been obtained by the petitioner under the Right to Information Act. Certain other unfounded allegations also appear to have been made in the writ petition.

6. In our opinion, to establish that commercial building has been constructed though plan was sanctioned by the MCD for residential building, the petitioner ought to have placed relevant documents before the Court. But the writ petition appears to be bereft of any credible document.

7. Thus, in our opinion, the instant PIL has thus been filed without ascertaining the correct and complete facts and, accordingly, we are not inclined to entertain the same which is hereby dismissed.

8. Before parting with the matter, we will be failing in our duty if the petitioner is not put to caution for filing PILs without obtaining and collecting necessary and complete facts and pleading the same before the Court. We, accordingly, caution the petitioner that he shall not file any petition before this Court without ascertaining the correct and complete facts.

9. The petition stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 22, 2025/N.Khanna