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

+ W.P.(C) 10095/2025 & CM APPL. 42030/2025

SATISH RATRA

.....Petitioner

Through: Mr. Naginder Benipal, Mr. Naveen Choudhary, Mr. Raghubir Singh, Mr. Sachin, Mr. Shivam Chanana, Mr. Jaskaran Singh and Mr. Udit Vaghela, Adv.
Mob: 7834820081
Email: legalsolutions083@gmail.com

versus

ANIL KUMAR CHAUHAN AND ORS.

.....Respondents

Through: Mr. Tushar Sannu, SC for R-MCD along with Mr. Parvin Bansal, Adv.
Mob: 9911991166
Email: adv.tusharsannu@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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17.07.2025

1. The present writ petition has been filed seeking directions to respondent nos. 3 & 4 to demolish the unauthorized construction carried out by respondent nos. 1 and 2 at shop nos. 3 and 4, *Edward Lane, Kingsway Camp, Delhi*, and to take appropriate action in terms of Delhi Municipal Corporation Act 1957 ("DMC Act").
2. Responding to the present writ petition, learned counsel appearing for the respondent nos. 3 and 4 – Municipal Corporation of Delhi ("MCD"), draws the attention of this Court to the present writ petition to submit that

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the petitioner had filed an earlier civil suit, i.e., *Civil Suit No. 539185/2016*, titled as “*Satish Kumar Ratra and Another Versus Anil Kumar Chauhan and Others*”, which was dismissed on 10th November, 2016 by the JSCC-cum-ASCJ, North, Rohini Courts Complex.

3. Learned counsel appearing for the respondent–MCD, has handed over a copy of the order dated 03rd June, 2022, passed in appeal bearing *RCA DJ No. 24/2022*, by way of which, the appeal filed by the petitioner herein, against the dismissal of his suit, was subsequently dismissed by the ADJ-02, North Rohini Court Complex, Delhi, with a cost of Rs. 25,000/-.

4. Thus, he submits that the present writ petition is an abuse of process of law.

5. He further submits, that nevertheless, the MCD is taking requisite action against the unauthorized construction in the property in question and the action is next fixed on 25th July, 2025.

6. Having heard learned counsels for the parties, this Court notes the submissions made by the petitioner in the writ petition, which reads as under:

“xxx xxx xxx

10. That the Petitioners are law-abiding citizens residing in the vicinity of the property, i.e., Shop Nos. 3 & 4, Edward Lane, Kingsway Camp, Delhi, and are aggrieved by the rampant unauthorized construction carried out by Respondents No.3 and 4 in gross violation of building bye-laws and the Delhi Municipal Corporation Act, 1957.

11. That the Petitioners had earlier instituted a Civil Suit No. 539185/2016 titled Satish Kumar Ratra & Anr. v. Anil Kumar Chauhan & Ors., which was dismissed on 10.11.2016 by the Ld. JSCC-cum-ASCJ, North, Rohini. The First Appeal i.e. RCA DJ No. 24/2022 was also dismissed on 03.06.2022. The dismissal, however, was not on merits relating to the legality of the construction but primarily due to technical grounds.

xxx xxx xxx”



7. This Court further takes note of the order dated 03rd June, 2022, passed in RCA DJ No. 24/2022, relevant portions of which are reproduced as under:

“xxx xxx xxx

12. During the argument on appeal Ld. Counsel for appellants/plaintiffs pleaded that relation between plaintiffs and defendant No.1 and 2 are not cordial and such they would not spare an opportunity to legally trouble the defendants No.1 and 2 and vice versa. Defendant No.1 and 2 and their family members own the upper floor of property bearing No. 2528, Hudson Lane, Kingsway Camp, Delhi on the ground floor of which property plaintiff No.1 is residing and carrying on his business: It has so been admitted even in the written submission further stressing that both parties are making complaints against each other for raising unauthorised construction.

13. Aforesaid fact and submission on the part of plaintiffs exposes the real intent of plaintiffs which shows that aforesaid suit was not filed as an upright member of public interest in protecting the rights of the public and as persons who cannot tolerate any illegality by any member of the public. Plaintiff along with his written submission has placed on record a photograph which shows that shop No. 1 and 2 as well have first and second floor respectively over them but plaintiffs have no grievance qua these alleged illegal construction (as per plaintiff only ground floor is permissible in that area). Similarly, other shop on the right side of suit shops, may be Shop No. 5, also appears to have first floor allegedly in violation of norms that only ground floor is permitted in that area. Thus, the trigger to file suit has not been triggered by any desire to do some thing good for the society or for public at large but has originated in malafide desire to cause harm to defendants No.1 and 2 and thus using the process of court to settle score with them.

14. In the aforesaid circumstance, interest of the plaintiffs cannot be said to be their personal interest in the subject matter of the suit nor is their interest bonafide public interest. In all rulings relied upon by plaintiffs/appellants there was no ulterior motive in filing the suit for injunction even if their personal interest was not involved, though in some of the case plaintiffs therein had personal interest involved. When it has been admitted by the appellants that their relation with defendant No.1 and 2 are not cordial and each other are making complaint against each other and when during argument it was contended by appellant that no stone would be left unturned to trouble the defendant No.1 and 2 for their any illegal act, this court is of the



opinion that trial court rightly did not allow the court to become tool in the hands of plaintiffs to help them settle score with defendants No.1 and 2.

15. A member of public does have locus standi to raise his voice by filing suit as have been held in rulings relied upon by the appellants/plaintiffs even if there is no personal injury (though in some case there was personal injury) but motive should be public good and objective should be to achieve something which is good for public at large. If the ulterior motive or objective is to teach lesson to wrongdoer or cause harassment or problem for the opponent against whom person approaching court entertain grudge, then such act should not be permitted even in the garb of acting for public good. Courts are not meant to be a tool for settling personal score. Appellants/plaintiffs are certainly guilty of misusing the process of court of law for their ulterior purpose for which they deserve monetary penalty.

xxx xxx xxx

17. Further, Section 41(j) of the Specific Relief Act, 1963 provides that no injunction can be granted when the plaintiff has no personal interest in the matter and plaintiffs/ppellants have not been able to show any personal interest in the matter except the so called right as members of public. None of the case laws relied upon by the appellants/plaintiffs has discussed or laid down law regarding locus standi of member of public vis-a-vis Section 41(j) of the Specific Relief Act, 1963. Therefore, case laws relied upon by the plaintiffs/appellant is not applicable to the facts and circumstances of the present case where plaintiffs admittedly have no personal interest or right in the subject matter of the suit. Ld. Trial Court rightly held that plaintiffs/appellant had no cause of action in view of Section 41(j) of the Specific Relief Act, 1963.

18. Hence, for aforesaid reasons as discussed above, impugned order/judgement does not call for any interference by this Court and accordingly, present appeal is hereby dismissed with cost of Rs. 25,000/- to be deposited with Orphanage Palna.

xxx xxx xxx”

8. Perusal of the aforesaid order clearly shows that the petitioner herein has personal scores to settle with respondent nos. 1 and 2 herein, and that the petitioner and respondent nos. 1 and 2 have been filing personal complaints against each other. Thus, the present writ petition is an abuse of the process



of law, as the Court process cannot be used by the parties for settling personal scores against each other.

9. This Court notes that the petitioner has been filing petitions with respect to the same cause of action, since the year 2016. Despite various orders having been passed in this regard, the present writ petition has now come to be filed by the petitioner.

10. At this stage, learned counsel appearing for the petitioner draws the attention of this Court to the order dated 12th March, 2025, wherein, the Regular Second Appeal, i.e., *RSA 117/2022*, was withdrawn by the petitioner herein with the liberty to take appropriate legal steps against the unauthorized construction in the property in question. Thus, he submits that the present writ petition has been filed.

11. Even if the aforesaid order dated 12th March, 2025, in *RSA 117/2022* is considered, the same does not give any locus or authority to the petitioner to file such a petition before this Court. However, considering the submissions made before this Court, this Court refrains from imposing any costs on the petitioner. However, the petitioner is cautioned to not abuse and misuse the process of the Court.

12. Noting the submission on behalf of the MCD with regard to the requisite action being taken, no orders are required to be passed by this Court, in this regard.

13. Accordingly, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

JULY 17, 2025/SK

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