



2025:DHC:10778



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 01st December, 2025**+ **W.P.(C) 18223/2025 & CM APPL. 75329/2025****SHRI HARDEEP SINGH HANSPAL**

.....Petitioner

Through: Mr. Sushant Kumar, Adv. (Through
VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.RespondentsThrough: Mr. Dhruv Varma and Mr. Rohit
Kathuria, Advs. for R-1 & 2.

Mob: 8800973281

Email: r.d.kathuria@gmail.comMr. Banamali Shukla and Mr. Rajesh
Kumar, Advs. for R-3

Mob: 9312102285

Email:

banamalishukla853@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to demolish the illegal construction being carried out by respondent no. 3 in the property bearing *No. C-6/85, Sector-15, Rohini, North West Delhi, Delhi-110085*.

2. Responding to the present writ petition, learned counsel appearing for the Municipal Corporation of Delhi ("MCD") submits that this is the fifth round of litigation by the petitioner, wherein, petitions have been filed with respect to different properties. He has handed over to this Court, certain

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documents in this regard, which are taken on record.

3. Learned counsel appearing for the respondent-MCD submits that the petitioner had first filed a writ petition pertaining to property bearing *No. C-6/44, Sector-15, Rohini, North West, New Delhi-110085* on 07th April, 2025. However, subsequently, the petitioner did not pursue the said writ petition.

4. The second writ petition was filed by the petitioner with regard to property bearing *No. C-7/38, Sector-15, Rohini, North West, New Delhi-110085*. Subsequently, with respect to the said property, a letter dated 25th April, 2025, was received by the MCD, wherein, the petitioner submitted that he did not wish to pursue the matter any further, on the ground that the owner/occupier of the said property had already started to remove the illegal construction and encroachment, himself.

5. Subsequently, the third writ petition filed by the petitioner was writ bearing *W.P.(C) 6793/2025*, with respect to property bearing *No. C-8/5, Sector-15, Rohini, North West, Delhi-110085*. The said writ petition was disposed of by this Court *vide* order dated 20th May, 2025, wherein, it was noted that the MCD had already initiated action against the unauthorized construction in the property in question.

6. The fourth petition filed by the petitioner was a contempt petition, alleging the contempt of order dated 20th May, 2025, on the ground that the MCD had not taken the requisite action. This Court is informed that the said contempt petition was filed within four days of passing of the order dated 20th May, 2025, by this Court.

7. Subsequently, the MCD received a letter dated 28th May, 2025, stating that the petitioner did not wish to pursue the said contempt petition and that the owner/occupier of the said property had also started to remove the illegal



construction and encroachment, himself.

8. The present writ petition is the fifth petition, which has been filed by the petitioner with respect to property bearing *No. C-6/85, Sector-15, Rohini, North West Delhi, Delhi-110085*.

9. Learned counsel appearing for the MCD submits that the submissions made before this Court are on the basis of the petitions, which had been marked to him. He submits that there may be other petitions as well, which the petitioner may have filed, that may have been marked to some other counsel, on account of which he is not aware of the full information.

10. Learned counsel appearing for respondent no. 3 similarly reiterates the submissions made by learned counsel appearing for the MCD, and submits that the petitioner is a blackmailer and has been filing various petitions with regard to multiple properties in the area in question.

11. At this stage, learned counsel appearing for the petitioner submits that he shall withdraw the present writ petition.

12. Having heard learned counsels appearing for the parties, it is clear that the petitioner is a serial litigant and has been filing various writ petitions against a number of properties situated in the area in question. The writ petitions, as filed by the petitioner, are not pressed by the petitioner after filing, on the ground that the owners/occupiers of the said properties themselves have started taking action for removal of the unauthorized construction.

13. The present writ petition, as per the submissions made before this Court, is the fifth in line. Clearly, the petitioner has been filing various writ petitions against unauthorized construction existing in the area in question and not pursuing the said writ petitions. Further, the petitioner is not directly



affected by the unauthorized construction in the properties, *qua* which the various petitions have been filed by the petitioner.

14. Apparently, the motive of the petitioner does not seem to be *bonafide* and the petitions seem to have been filed with oblique motives. This Court has already held in a number of judgments that no party can seek to misuse the process of the Court, by filing petitions for oblique motives.

15. While holding that no party can be allowed to use the process of Court for ulterior motives, this Court in the case of “*Manorama Sakkerwal Versus Municipal Corporation of Delhi & Ors.*”, and other connected matter, in *Cont. Cas (C) 1051/2025*, held as follows:

“xxx xxx xxx

21. *It is to be noted that the fact of the suit having been filed on behalf of the petitioner has not been disclosed before this Court and that there has been clear suppression of material facts. It is clear that there has been a suppression of material facts before this Court, wherein, the petitioner has not disclosed before this Court the fact regarding the civil suit having been filed in the Tis Hazari Courts, on the same cause of action.*

22. Further, the fact that the petitioner does not stay at the property in question, as mentioned in the Memo of Parties and that the said property is lying vacant for last more than twenty years, as noted above, is a material factor and the same has not been disclosed by the petitioner before this Court. Clearly, the present writ petition has been filed with a view to solely misuse the process of this Court.

23. *It is well settled by a long line of judicial pronouncements that a petitioner, who seeks to invoke the extraordinary, equitable and discretionary writ jurisdiction of this Court, must come with clean hands and put forward all the facts before this Court, without concealing or suppressing any fact. In case, any party makes a false statement before this Court or suppresses any material facts or attempts to mislead the Court, the writ petition is liable to be dismissed on this ground alone. In this regard, reference may be made to the judgment of the Supreme Court in the case of K.D. Sharma Versus Steel Authority of India Limited and Others, (2008) 12 SCC 481, relevant portions of which are reproduced as under:*

“xxx xxx xxx

34. *The jurisdiction of the Supreme Court under Article 32*



and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

xxx xxx xxx"

24. Further, this Court takes note of the submission made by learned counsel appearing for respondent no. 4 that the petitioner has been approaching the respondent no. 4 with a view to extort money. The complaint made by respondent no. 4 before the Police, in this regard, is reproduced as under:

xxx xxx xxxx

26. The facts disclosed before this Court are very serious in nature and no party can be allowed to use the process of this Court for ulterior motives and with a view to extort money from another party on the basis that such party is carrying out unauthorized construction.

27. There is no doubt that this Court takes very serious note of cases wherever unauthorized construction is carried out, however, the same does not give any leeway to any party to blackmail such persons, who are raising such construction. This is clearly a gross abuse of the process of law.

28. Accordingly, considering the submissions made before this Court, it is clear that the present writ petition filed by the petitioner is by way of oblique motives and not for the purposes of seeking justice, for which



the Courts of Law have been established.

29. Accordingly, in view of the detailed discussion hereinabove, the present writ petition is dismissed with cost of Rs. 1,00,000/- (Rupees One Lac), to be paid by the petitioner.

xxx xxx xxx”

(Emphasis Supplied)

16. Further, the conduct of the petitioner in filing petitions and not pursuing the same, also, does not inspire confidence and is a clear pointer to the fact that the petitions have been filed by the petitioner for self-serving and disagreeable motives. The intent and purpose of filing petitions before this Court, must be *bonafide* and in good faith. A petition cannot be filed with any hidden agendas for pursuing any self-interest. This Court shall not entertain any petition, which is filed for extraneous or self-serving ends.

17. During the course of hearing, when the fact of various petitions having been filed by the petitioner came to the fore, including, the conduct of the petitioner, in not pursuing such petitions, learned counsel appearing for the petitioner has sought to withdraw the present writ petition.

18. Though this Court allows the petitioner to withdraw the present writ petition, however, considering the conduct of the petitioner, it is directed that the petitioner shall pay a cost of Rs. 50,000/- (Fifty Thousand Rupees Only), which shall be payable to:

*D.H.C. B.A. Costs Account
S.B. A/c No. 15530110179338
Bank Name: UCO Bank
Branch Address: Delhi High Court
IFSC: UCBA0001553*

19. The aforesaid cost shall be paid by the petitioner, within a period of four weeks, from today.



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20. Though this Court would not allow any party to misuse the process of Court, at the same time, when the fact of any unauthorized construction comes to the notice of the Court, such persons carrying unauthorized construction, ought to be held accountable for their such actions, and requisite action has to be taken against such unauthorized construction.

21. Thus, this Court takes note of the submission made by learned counsel appearing for the MCD that unauthorized construction in the property in question, already stands booked.

22. Accordingly, MCD is enjoined upon to take action against the unauthorized construction existing in the property, after following the due procedure, in accordance with law.

23. Considering the submissions made before this Court, the present petition is dismissed, as withdrawn. Pending application also stands disposed of.

24. List before the Joint Registrar for compliance regarding the payment of cost by the petitioner, on 09th January, 2026.

MINI PUSHKARNA, J

DECEMBER 1, 2025/SK