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

+ **W.P.(C) 3170/2026 with CM APPL. 15272/2026**

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.....Petitioner

Through: Advocate through VC (*appearance not given*).

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Kapil Dutta, standing counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

12.03.2026

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1. The present writ petition has been filed seeking a direction to the respondent no.1/MCD to take action and demolish the unauthorized construction raised by the respondents no.2 and 3 at the property bearing no. *I-133, Vijay Vihar Phase I, Near Shukar Bazar Road, Delhi-110085*.
2. It is stated that the petitioner is a neighbour and therefore, is affected by the aforesaid unauthorised construction.
3. As per the memo of parties filed with the petition, the petitioner has given his address as *I-92A, Near Friday Market, Vijay Vihar, Phase-I, Rohini, North West Delhi, Delhi-110085*.
4. No site plan has been filed along with the writ petition to show that the petitioner resides in the immediate neighbourhood of the subject property and is affected by the unauthorized construction.



5. Curiously, the index of the writ petition bears the date 28th January, 2026, on which date a copy of the same was supplied to the respondent no.1/MCD. However, the matter has been listed today, *i.e.*, after forty (40) days.

6. Mr. Kapil Dutta, counsel appearing on behalf of the respondent no.1/MCD on advance notice, has handed over the photographs of the subject property taken on 3rd February, 2026 when the subject property was inspected by MCD upon receipt of the advance copy of the writ petition. The photographs clearly suggest that the property has been constructed a while back.

6.1 This is in complete variance with the photographs filed with the writ petition (Annexure-P6), which show that the property is at the stage of ongoing construction.

7. Admittedly, the petitioner in the present case does not have any connection with the property in question. The petitioner has failed to show as to how any fundamental or legal right of the petitioner is being affected by any alleged construction activity carried out in the subject property.

8. From the facts noted above, it appears that the present writ petition has been filed for oblique purposes and is a complete abuse of the process of the Court.

9. In this backdrop, this Court is not inclined to exercise its power under Article 226 of the Constitution of India to grant the relief sought by the petitioners.

10. Accordingly, the present writ petition is dismissed with costs of Rs.25,000/- to be deposited by the petitioner with the Delhi State Legal Services Authority (DSLISA) within two (2) weeks from today.



11. A copy of this order be communicated electronically to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi, for information.
12. Consequently, all pending application(s) stand disposed of.

AMIT BANSAL, J

MARCH 12, 2026

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