



\$~74

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

+ **W.P.(C) 830/2026 & CM APPL. 4082/2026**

HELP INDIAN AGAINST CORRUPTIONPetitioner

Through: Mr. Kuldeep Rai, Adv. with Mr. Ashraf Ali and Mr. Ishwar Chandra Roy, Advocates.

versus

SPECIAL TASK FORCE DDA AND ORSRespondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun Sabharwal and Mr. Laqshyaa Saluja, Advocates for R-1/STF (DDA).
Mr. Manu Chaturvedi, SC for MCD along with Mohd. Asif AE (B) CSPZ.
Mr. Jagdish Chandra, CGSC with Ms. Ayushi Srivastava, GP, Ms. Aishwaria Sinha and Mr. Sujeet Kumar, Advocates for R-4/Delhi Police.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **21.01.2026**

1. This Petition, in the nature of Public Interest Litigation (“**PIL**”), is filed *inter alia* seeking the following prayers:

“a) Issue writ of mandamus or any other appropriate writ/order directing the respondents to take appropriate action in the shape of issuance of directions in the form of mandamus to the respondent No.1 to implement the statutory obligations as mentioned in the Office Memorandum dated 25.04.2018 and 23.05.2018 issued by Government of India Ministry of Housing and Urban Affairs in its true letter and spirit; and/or



- b) Direct respondent No.1 Special Task Force for city-wide monitoring and enforcement of Office Memorandum dated 25.04.2018 and 23.05.2018 issued by Government of India Ministry of Housing and Urban Affairs; and/or*
- c) Direct Respondent No.1 taking appropriate action against the erring officers of Respondent No. 2 to 4 who are in connivance with the encroachers/builders, illegally constructing on public lands or municipal land as the same is being carried out without sanctioned site plan and against the Building Bye Laws; and/or*
- d) may pass any guidelines for effective and continuous implementation and monitoring of abovesaid obligations/objectives of the office memorandum dated 25.04.2018 and 23.05.2018; and/or*
- e) may pass a direction to initiate an inquiry/investigation against the erring officers of the respondent No. 1 to 3 by the respondent No.5”*

2. We have heard the learned Counsel for the Petitioner as well as Municipal Corporation of Delhi (“MCD”) and Delhi Development Authority (“DDA”).

3. The learned Counsel for the Petitioner submitted that the Petitioner is a Non-Governmental Organisation (“NGO”) registered under the Societies Registration Act, 1860 since 2012 with an aim to fight corruption by seeking appropriate legal remedies as per law. In the present Petition, the Petitioner has sought a writ of mandamus directing Respondent No. 1 to comply with the statutory applications as mentioned in the Office Memorandum dated 25.04.2018 and 23.05.2018 (“OMs”) issued by Ministry of Housing and Urban Affairs, Government of India and direction for taking appropriate action against the erring officers of MCD, specifically against certain named officials of MCD provided in the Petition.

4. The main grievance of the Petitioner is that several illegal constructions as well as violation of building bye-laws are existing in



particular areas and despite several complaints to the Respondents, no action has been taken by the Respondents. According to the Petitioner, the illegal activities are being carried on by the officers of MCD in connivance with the builders / owners / occupiers in facilitating the same by taking bribe and also providing shelter to builders / owners / occupiers.

5. The Petitioner has sent several complaints to the Respondents alleging that certain officers of MCD for permitting illegal construction on the land belonging to Ramjas Foundation / DDA in Anand Parbat Industrial Area without the permission of the Ramjas Foundation / DDA and the Petitioner has provided details of five such properties in its complaints. Further, the Petitioner has also filed complaints regarding illegal constructions as well as violation of building bye-laws in Municipal Ward No. 71 (Kishan Ganj) and made allegations against certain officials of MCD for permitting violation of building bye-laws by taking bribe of Rupees One to Two Lakhs per lenter of 100 square yards and provided details of twelve such properties.

6. Despite such complaints, since no action has been taken by the Respondents against the erring official of MCD or against the illegal constructions, the Petitioner has filed by the present PIL.

7. The learned Counsel for DDA and MCD vehemently opposed the prayers sought in the Petition. It was submitted by the learned Counsel for DDA that strict actions are being taken in consonance with the OMs against the illegal constructions and no directions are required to be issued in that regard. It was submitted by learned Counsel for MCD that the complaints against its officials filed by the Petitioner are vague and motivated. It was submitted that the coordinate bench of this Court in various identical cases have dismissed the PILs on the same grounds. In support of his submissions,



following cases have been relied upon by learned Counsel for MCD for challenging the locus of the Petitioner to file the present PIL:

- ***Prem Pal Singh v. Union of India & Ors.*** W.P.(C) 2712/2021, wherein the PIL was dismissed vide order dated 01.03.2021 observing that:

“3. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, no specific submission whether orally or through pleadings in the writ petition has been placed before this court which highlights the exact illegality or otherwise of the construction in question. No plans of the building & details of the plot in question which is under construction has been filed on record. Moreover, nowhere it has been stated about the area of the plot in question or whether construction being carried out on the said plot has been approved by the concerned respondent authorities or not.

*4. Merely, because the construction material is on road during the construction activity does not mean that the construction in question is illegal. **There cannot be a presumption of illegality of a construction.** It ought to be kept in mind that the legality or otherwise of the construction cannot be proved on the basis of the photographs but can only be decided on the basis of cogent and convincing evidences placed before the Trial Court.*

5. We, therefore, see no reason to entertain this so called public interest litigation. In fact, this is a blackmailing type of litigation.”

- ***Prerna Ek Disha Foundation v. The Chairman Special Task Force & Ors.*** W.P. (C) 2653/2021, wherein the PIL was dismissed vide order dated 01.03.2021 holding that:

“3. In view of the aforesaid, it appears that this is not a public interest litigation at all, but, this is a blackmailing type of litigation. Even the persons who are alleged to have carried out the alleged unauthorized constructions are not joined as a party respondents. Thus, prayer of demolition is made without joining the owners/occupiers of the property in question. Moreover, neither any attempt is made to get the building plans from the concerned



respondent authorities nor the appropriate enquiry has been made about the illegality or otherwise of the construction in question. Merely, on the basis of the photographs which are annexed with the writ petition, we cannot pass an order of demolition of as many as 49 properties in question which are referred to in paragraph-14 of the petition. It ought to be kept in mind that the legality or otherwise of the construction cannot be proved on the basis of the photographs but can only be decided on the basis of cogent and convincing evidences placed before the Trial Court. Hence, we see no reason to entertain this writ petition. The petitioner - NGO has come into existence in November, 2020 and immediately seems to have started blackmailing type of litigation.”

- **Anis Khan v. South Delhi Municipal Corporation & Ors.** in W.P. (C) 11258/2021, the PIL was dismissed vide order dated 04.10.2021 and it was held that:

“4. We have carefully perused the writ petition and find that the averments/allegations of alleged illegal and unauthorised construction are completely vague and without any material particulars. Petitioner has made no efforts to place on record the map/sanctioned plan of the building/area in question nor are there any documents such as the report of the Architect etc. to substantiate the plea raised.

5. There can be no doubt that the nature of construction of a building or its conformity or otherwise with the sanctioned plans, cannot be adjudicated by this Court on the basis of photographs alone, which have been placed on record as Annexure P-2 to the memo of this writ petition. Cogent evidence is required to be led in appropriate proceedings to prove and establish that the building is without and/or in violation of the sanctioned plans or that the construction is unauthorised. The bald and the vague pleadings cannot lead this Court to conclude in favour of the Petitioner.”

8. In the present Petition as well, the Petitioner has not provided any specific details with regard to the violation of the sanctioned plans or building bye-laws as alleged by the Petitioner. The complaints made by the Petitioner also did not annex any documents on the basis of which



allegations of illegal construction have been made. It is also not clear as to why the permission Ramjas Foundation / DDA is required for construction in Anand Parbat Industrial Area. It is not possible to arrive at any conclusion on the basis of photographs of the property alone without there being any specific details and documents on record to show illegal construction at 17 locations identified by the Petitioner. The Petitioner has also not joined the owners / occupiers of the 17 properties identified by the Petitioner in its complaints.

9. For establishing any illegal construction, violation of sanctioned plan or building bye-laws, cogent evidence is required to be led to prove the same. A perusal of the complaints shows that the Petitioner has failed to provide any specific particulars with regard to the manner in which any building bye-laws or regulations have been violated. The Petitioner has made bald allegations against the officers of the MCD without providing any particulars. The complaints by the Petitioners only provide the list of properties and area without specifying the details of nature of violations as alleged by the Petitioner. Further, the allegations regarding the corruption charges against certain MCD officials are bereft of any particulars and no specific information is provided by the Petitioner. Hence, no directions can be issued as prayed by the Petitioner.

10. In absence of any particulars provided by the Petitioner, it is not possible to entertain the present PIL based on vague and bald allegations. The omnibus prayers sought for issuing general directions for compliance of OM's also cannot be granted as it will be impossible to ensure compliance of such broad directions.



11. In view of the above, the allegations of illegal and unauthorized construction and corruption without providing any material particulars regarding the nature of any such violation cannot be entertained only based on the vague allegations.

12. As no case has been made out by the Petitioner for granting any of the prayers sought in this Petition, the Petition along with the pending Application is, accordingly, dismissed. There shall be no order as to cost.

13. We, however, make it clear that our observations made above should not be construed as our sanction to any construction, if the same is otherwise not lawful.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 21, 2026/sms