



2025:DHC:8401



\$~16 & 17

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

% **Date of Decision: 18th September, 2025**

+ CONT.CAS(C) 1319/2025

TAUQIR ALAM

.....Petitioner

Through: Mr. Anubhav Dubey, Adv. (Through VC)

Mob: 9810799985 & 8368020095

Email: advoanubhav@gmail.com

versus

ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. Abhinav Singh, ASC-MCD with Mr. Rishabh Mittal, Adv.

Mob: 9811188892

Mr. Ashish K. Dixit, CGSC with Mr. Umar Hashmi, Adv. for R-4

Mob: 9999900412

Email: ashishcgsc@gmail.com

Mr. Rajesh Kumar Singh, Mr. Rohish Arora and Mr. Amit Biduri, Advs. for R-6

Mob: 9811976576

Email: rohisharora@gmail.com

Mr. Tauqir Alam, SI Nishant Nagar

Mob: 9958096877

17

+ W.P.(C) 9022/2025

TAUQIR ALAM

.....Petitioner

Through: Mr. Anubhav Dubey, Adv. (Through VC)

Mob: 9810799985 & 8368020095

Email: advoanubhav@gmail.com



versus

COMMISSIONER MCD & ORS.

.....Respondents

Through: Mr. Abhinav Singh, ASC-MCD with
Mr. Rishabh Mittal, Adv.
Mob: 9811188892
Mr. Nitinja Chaudhry, CGSC and
Mr. Rahul Mourya, Adv. for R-4 & 5
Mob: 9810103680
Email: nc.cgspc@gmail.com
Mr. Rajesh Kumar Singh, Mr. Rohish
Arora and Mr. Amit Biduri, Advs. for
R-6
Mob: 9811976576
Email: rohisharora@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions to respondent nos. 1 to 5, to demolish the illegal and unauthorized construction undertaken by respondent no. 6 in property bearing *no. G-66, 40 Foota Road, Shaheen Bagh, Okhla, New Delhi*, admeasuring 100 square yards, constructed by respondent no. 6.
2. Today, learned counsel appearing for the Municipal Corporation of Delhi ("MCD") has handed over copy of a Status Report/Action Taken Report, which is taken on record.
3. As per the Status Report of the MCD, requisite action has been taken against the property in question. The relevant portions of the Status Report of the MCD, reads as under:



“xxx xxx xxx

3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone of MCD has inspected the same and also referred to record maintained in this office. The status of the actions as initiated/ taken against subject properties are detailed herein below:-

i. During inspection by the concerned field staff subject property has been identified as Property No. G-66 (As per local enquiry) Shaheen Bagh, New Delhi. Photographs showing the present status of the property are annexed herewith as Annexure: A.

ii. **Demolition Proceedings u/s 343/344 of the DMC Act:-** As per record, demolition proceedings against subject property i.e. Property No. G-66 (As per local enquiry) Shaheen Bagh, New Delhi were initiated u/s 343/344 of the DMC Act vide U/c file No. 211/B/UC/EE(B)-I/CNZ/2025 dated 23.05.2025 for the unauthorised construction in the shape of Basement, Ground Floor and First Floor. Accordingly, a Show Cause Notice u/s 344(1) and 343 of the DMC Act bearing printed No. 21283 dated 23.05.2025 was issued in the name of Shri Sameer, Owner/ Builder of the property with the directions to submit his reply within 15 days, as to why orders for demolition as required u/s 343 of the DMC Act should not be passed in respect of the unauthorised construction already carried out and the unauthorised construction, if any





carried out after the issuance of present Show Cause Notice. Further the Owner/ Builder of the property was also requested to attend the personal hearing proceedings on 06.06.2025. Copy of Show Cause Notice dated 23.05.2025 is annexed herewith as **Annexure: B.**

iii. **Work stoppage letter u/s 344(2) of the DMC Act:-**

Upon noticing the aforesaid unauthorized construction, a work letter u/s 344(2) of the DMC Act bearing No. D/29/AE(B)-I/CNZ/2025 dated 27.05.2025 was sent to the SHO, PS Shaheen Bagh with the request that unauthorised construction activity be stopped by the police immediately and workmen present in the premises be removed and construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site. Copy of work stop letter dated 27.05.2025 as sent is annexed herewith as **Annexure: C.**

iv. **Demolition Order:-** Inspite of directions issued vide Show Cause Notice dated 23.05.2025, neither the Owner/ Builder filed his reply nor attended the hearing proceedings on 06.06.2025, accordingly after following due process of law, necessary demolition order was passed on 18.06.2025. Copy of demolition





order dated 18.06.2025 is annexed herewith as

Annexure: D.

- v. **Further unauthorized construction:** During the inspection the concerned field staff on 25.08.2025, it was noticed that despite aforesaid actions, the Owner/ Builder of the property has carried further unauthorized construction in the shape of Second Floor and Third Floor, accordingly the same has also been booked u/s 343/344 of the DMC Act vide U/c file No. 358/B/UC/EE(B)-I/CNZ/2025 dated 25.08.2025. Accordingly, a Show Cause Notice u/s 344(1) & 343 of the DMC Act bearing printed No. 21445 dated 25.08.2025 of the DMC Act was also issued in the name of Shri Sameer, Owner/ Builder of the property. Copy of Show Cause Notice dated 25.08.2025 is annexed herewith as **Annexure: E.** Besides above, allied actions as issuance of work stoppage letter u/s 344(2) of the DMC Act and DJB, BSES and Sub-Registrar for disconnection of water & electricity supply and not to register this property under Indian Registration Act, 1908 were also taken. Copies of letters dated 26.08.2025 sent to SHO, PS Shaheen Bagh, BSES, DJB & Sub-Registrar are annexed herewith as **Annexure: F (Colly).**



4. That, pursuant to demolition order already stand passed, this answering respondent/ MCD has taken following action against subject property:-

Sr. No.	Date	Action Taken
1.	10.09.2025	During the course of action, upon availability of Police Force 02 number of RCC panels were demolished at roof of third floor and reinforcement of these panels were also cut with the help of gas cutter.
2.	11.09.2025	During the course of action, upon availability of Police Force, 04 number of RCC panels were demolished at the roof of Second Floor and reinforcement of these RCC panels were also cut with the help of gas cutter.

Photographs showing the aforesaid action, as taken by the department are annexed herewith as **Annexure: G (Colly)**.

5. That, pursuant to aforesaid demolition action, letters dated 11.09.2025 & 12.09.2025 have been sent to the SHO, PS Shaheen Bagh with the request to keep strict vigil over the property, so that Owner/ Builder of the property may not be able to restore the demolished portion. Copies of watch & ward letters dated 11.09.2025 & 12.09.2025 are annexed herewith as **Annexure: H (Colly)**.





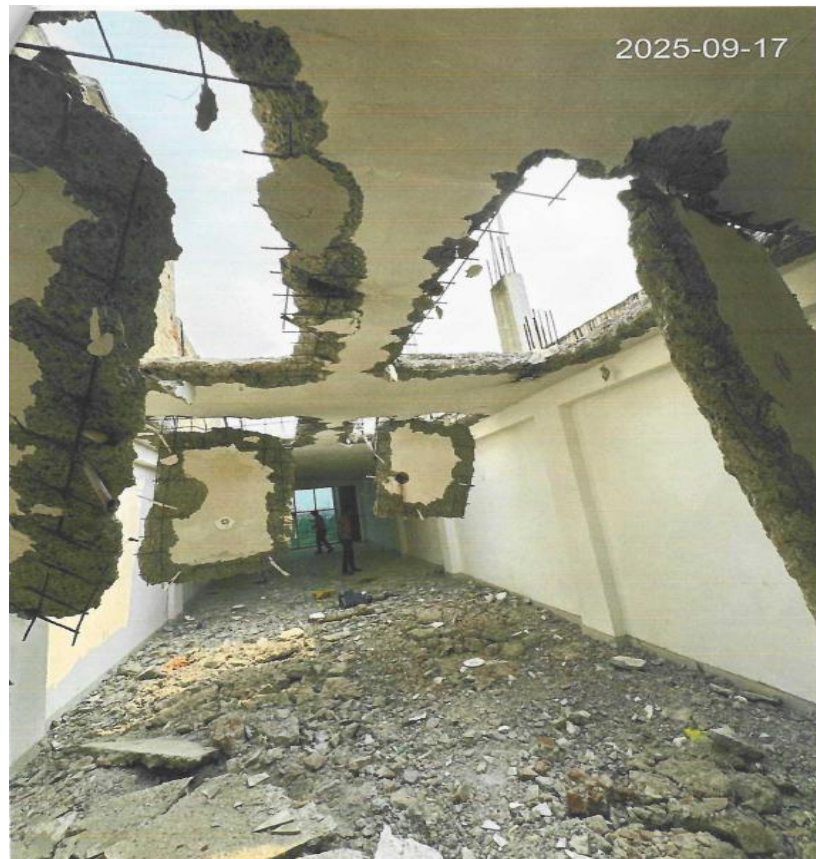
2025:DHC:8401



6. That, further action against subject property has been planned for 17.09.2025 and 18.09.2025 and the same shall be taken upon availability of Police Force.

xxx xxx xxx”

4. Perusal of the aforesaid Status Report shows that requisite action has been taken by the MCD on the property in question.
5. This Court records the statement by learned counsel appearing for the MCD that action was taken against the property yesterday, i.e., 17th September, 2025, and is also continuing today, i.e., 18th September, 2025.
6. Along with the Status Report, the MCD has also filed photographs, one of which is reproduced as under:





7. Learned counsel appearing for Station House Officer (“SHO”), Police Station, Shaheen Bagh has also handed over copy of a Status Report, which is taken on record. The Status Report filed on behalf of the SHO, PS Shaheen Bagh, reads as under:

“xxx xxx xxx

1. Most respectfully it is submitted that an unauthorized construction has been carried out on property situated at address G-66, 40 Foota Road, Shaheen Bagh, New Delhi.
2. That, in this regard, information of illegal and unauthorized construction has been sent to Municipal Corporation of Delhi on dated 23.05.2025 and 02.06.2025 for necessary action on their end.
3. That, in this regard multiple times demolition programs inter alia on 11.09.2025 and 12.09.2025 have been conducted at the above-mentioned property by Municipal Corporation of Delhi. Even today i.e. on 17.09.2025 the demolition drive is being undertaken by the MCD and the sufficient force has been provided.

4. That, adequate police force was deployed at the site to assist MCD officials in carrying out the demolition action smoothly and without any law-and-order disturbance. The proceedings were conducted peacefully and without any untoward incident under the supervision of senior police officers.
5. That, beat staff have been specifically instructed to check the property during their rounds and immediately report any suspicious activity.
6. Copies of GD Entries and information sent to MCD in connection with the unauthorized construction carried out at the above stated property and Geo-tagged photographs of demolition done by MCD are attached herein for reference as **ANNEXURE – A**.

xxx xxx xxx”



8. Thus, learned counsel appearing for the SHO, PS Shaheen Bagh submits that assistance was duly given to the MCD, at the time of taking action against the property in question.

9. At this stage, learned counsel appearing for the respondent no. 6 submits that the petitioner herein is an extortionist and a blackmailer. He has handed over to this Court, copies of orders passed before the Division Bench, to submit that the petitioner, i.e., Tauqir Alam has filed the present petition in his own name. He further submits that the said Tauqir Alam has also formed a Non-Government Organization (“NGO”) by the name of ‘*Manav Samaj Sudhar Suraksha Sanstha*’. He submits that the said NGO has been filing petitions in the name of the petitioner herein, i.e., Tauqir Alam, as well as through its purported Vice-President, Nusratullah Khan.

10. The list of the cases filed by the petitioner/his NGO of which he is a member, are as follows:

(i) *W.P.(C) 1497/2023, titled as “Manav Samaj Sudhar Suraksha Sanstha (NGO) through its Executive Member Tauqir Alam Versus The Commissioner, Municipal Corporation of Delhi and Ors.”*

(ii) *W.P.(C) 6378/2023, titled as “Manav Samaj Sudhar Suraksha Sanstha (NGO) through its Vice President Nusratullah Khan Versus The Commissioner & Ors.”*

11. On pointed query of this Court, learned counsel appearing for the SHO, PS Shaheen Bagh, upon instructions from the Sub-Inspector (“SI”) Mr. Nishant Nagar, who is present in Court, submits that the residence of the petitioner, as per the details given in the Memo of Parties is approximately two and a half kilometers from the property, which is subject matter of the present writ petition.



12. This Court notes that in the Memo of Parties, the residential address of the petitioner, is stated as follows:

***R/o House No.291,
Basti Abul Fazal Enclave,
Part-I, Okhla,
New Delhi-110025.***

13. It is seen that the present writ petition has been filed seeking action against unauthorized construction in the following property:

***G-66, 40 Foota Road,
Shaheen Bagh, Okhla,
New Delhi - 110025.***

14. From the aforesaid, it is apparent that the petitioner is staying two and a half kilometers away from the premises in question. Thus, no legal or fundamental right of the petitioner is being violated. This Court in various petitions had already stated that writ petitions with regard to unauthorized construction shall be entertained only on behalf of the parties, whose rights with respect to light, air, ingress and egress, etc., are being violated.

15. Thus, this Court in the case of ***Satish Kumar Tomar Versus North Delhi Municipal Corporation and Others, 2022 SCC OnLine Del 1383***, wherein, the petitioner had no relation or connection to the property where unauthorized construction was alleged, and had come to the Court with unclean hands and ulterior motives, held as follows:

“xxx xxx xxx

11. Recently, in Pawan Kumar Saraswat v. North Delhi Municipal Corporation reported as 2021 SCC OnLine Del 4530, another Co-ordinate Bench of this Court took note of a petition filed under Article 226 of the Constitution of India, invoking extraordinary jurisdiction of this Court for relief such as the one sought in the present petition. The learned Judge observed as follows:—



“15. Though unauthorized illegal construction, which is becoming rampant, cannot be countenanced however, I am of the view that a party that does not approach the Court with clean hands and files a petition with ulterior motives should not be permitted to invoke the extra ordinary Writ jurisdiction of this court. I am of the view that the petition deserves to be dismissed.”

12. In the present case, the petitioner admittedly does not have any connection with the property in question. The petitioner has further failed to show as to which fundamental or legal right of his is being affected by any alleged construction activity carried out in the subject property. It is quite apparent that the present petition has not been filed for enforcement of any fundamental or legal right, but rather for some motivated reasons.

xxx xxx xxx”

(Emphasis Supplied)

16. Clearly, no fundamental or legal rights of the petitioner are being affected by the unauthorized construction in the property in question, especially when the said petitioner does not even reside in the vicinity of the subject property.

17. This Court further takes note of the submission made by learned counsel appearing for respondent no. 6 that, respondent no. 6 has been receiving calls for extortion from the petitioner herein through common sources.

18. This Court in a number of petitions has already deprecated the conduct of parties, wherein, writ petitions against unauthorized constructions are filed with the sole motive to extort money. The process of this Court is solemn, which is to be resorted to, only for the purposes of seeking justice before this Court. However, the solemn process of this Court cannot be used by blackmailers for the purposes of extorting money from the persons who are undertaking unauthorized constructions.

19. While on the one hand, strict action has to be taken against the



unauthorized construction, at the same time, this Court will not aid and assist any unscrupulous person with a view to extort money from the persons who are raising such unauthorized construction, and who have no relation to the unauthorized construction in the subject property. Thus, this Court in the case of ***Azad Market RWA (Regd.) Versus The MCD and Ors.***, vide order dated 07th August, 2025 passed in ***W.P.(C) 13856/2024*** and connected matters, emphasised upon taking strict action against parties who are filing cases for unauthorized construction to extort and blackmail people. Thus, it was held as follows:

“xxx xxx xxx

34. **The present is a clear case of suppression of material facts. The party invoking the writ jurisdiction of this Court ought to come with clean hands and in no way can attempt to mislead the Court in that regard. The Division Bench of this Court vide order dated 29th July, 2022 in W.P.(C) 11285/2022, titled as ‘New Rise Foundation Regd. Charitable Trust Versus Municipal Corporation and Ors.’, dealt with a similar matter wherein an NGO filed cases in relation to unauthorized construction, and it was found that the said NGO was suppressing facts and was found to be approaching the Court with unclean hands.** Thus, the Court held as follows:

“xxx xxx xxx

5. It is very unfortunate that the noble forum of PIL is now being used for blackmailing the citizens. This is not a PIL at all. It is, in fact, a litigation based upon certain photographs resulting in blackmailing type of litigation.

6. **The suppression of facts has been admitted before this Court and it is a settled proposition of law that a person who does not come with clean hands and suppresses material facts is not entitled for any relief whatsoever.** The Petitioner otherwise also wants a roving enquiry to be done based upon some photographs and there is no other evidence brought on record to arrive at a conclusion that the structure in question is an unauthorised construction

xxx xxx xxx

10. **In the aforesaid case, it has been held that when a party approaches a Court, he must place all facts before the Court without any reservation and in case there is suppression of material facts,**



the writ petition deserves to be dismissed without entering into the merits of the matter.

xxx xxx xxx”

(Emphasis Supplied)

xxx xxx xxx

36. In the present case, considering the facts and circumstances, this Court finds that the petitioner, i.e., Azad Market RWA (Regd.), through its General Secretary Mr. Anil Lodhi, has abused and misused the process of this Court by filing petitions in relation to unauthorized construction under the garb of social work whilst using the particulars of an unregistered NGO to further their cause, which on the face of it, are riddled with oblique motives. The petitioner, despite being a stranger to the proceedings, filed these petitions and when called upon, the petitioner is found to have suppressed material facts, and therefore, has approached this Court with unclean hands.

37. This Court also takes note of the facts, as already noted hereinabove, that Mr. Anil Lodhi, was found to be involved in cases of impersonation and extortion of money. Further, this Court also takes note of the submission made by learned counsel appearing for the private respondents that Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), has been approaching their clients for the purpose of extorting money from them. These facts are alarming and shocking, which disclose the deplorable conduct of the petitioner in filing cases for extorting money from people, by misusing and abusing the process of this Court. On the one hand, the Court has to deal with cases of unauthorized constructions strictly with an iron hand; at the same time, the Court has to ensure that the process of the Court is not misused by anyone in order to extort money from the persons undertaking such construction. A proceeding before a Court is a solemn process for furthering the cause of justice, and not for aiding unlawful objectives of certain individuals.

xxx xxx xxx”

(Emphasis Supplied)

20. This Court notes that similar to the case of Azad Market RWA (*Supra*), the petitioner herein has also adopted the *modus operandi* of filing petitions in the name of an NGO. The said practice being adopted by unscrupulous litigants in matters of unauthorized construction exhibits a



concerning trend. Litigants which have no relation to a property, are using untoward approaches to extort or blackmail persons who are raising unauthorized constructions.

21. Accordingly, this Court notes that in the present case the requisite action has already been taken by the MCD and the police against the unauthorized construction existing in the property in question. At the same time, this Court cannot ignore the fact that the petitioner has no concern with the unauthorized construction in question, as the residence of the petitioner is approximately two and a half kilometers from the premises in question.

22. Accordingly, noting the aforesaid, no further orders are required to be passed by this Court and the Court is satisfied with the action having been taken by the Statutory Authorities.

23. However, considering the submissions made before this Court, cost of Rs. 50,000/- is imposed upon the petitioner, payable to Delhi High Court Advocates' Welfare Trust ('A/c No. 15530210002995, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553').

24. The Registry of this Court is further directed that whenever any writ petition against any unauthorized construction is filed by Tauqir Alam or by Manav Samaj Sudhar Suraksha Sanstha (NGO), copy of this Order shall be attached to the said petition and be brought to the notice of the Court, whenever such petitions are listed in future.

25. With the aforesaid directions, the present petitions are accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 18, 2025/SK