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**(2025) 11 DEL CK 1848**  
**In the Delhi High Court**  
**Case No : Writ Petition (C) No. 16901 Of 2025**

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|--------------------------------------|----|------------|
| Afsar Ali                            | Vs | APPELLANT  |
| Municipal Corporation Of Delhi & Ors |    | RESPONDENT |

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**Date of Decision :** 07-11-2025

**Acts Referred:**

**Citation :** (2025) 11 DEL CK 1848

**Hon'ble Judges :** Mini Pushkarna, J

**Bench :** Single Bench

**Advocate :** Jibran, Dhruv Varma, Rohit Kathuria, Harshit Sharma, Akanksha Gupta, Arshdeep Singh Bhatti

**Final Decision :** Dismissed

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## Judgement

Mini Pushkarna, J

1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to take appropriate action against respondent no. 4, thereby stopping the illegal and unauthorized construction being raised in the property bearing No. 7123, Durga Gali, Gandhi Nagar, Delhi-110031.

2. Responding to the present writ petition, learned counsel appearing for respondent no. 4 submits that respondent no. 4 is the owner/occupier of the building in question, up to the second floor. He submits that the petitioner is the tenant, who is occupying a shop on the ground floor of the building in question, which is owned by respondent no. 4.

3. Learned counsel appearing for respondent no. 4 further submits that an Eviction Petition had been filed by respondent no. 4, against the petitioner, which is now listed for orders and clarification on 11th November, 2025.

4. He further submits that the present writ petition has been filed by suppression of material facts, since the petitioner was aware about the Municipal Corporation of Delhi ("MCD") having taken cognizance of the unauthorized construction

existing in the property in question, as the documents with regard thereto were filed by the petitioner in the aforesaid Eviction proceedings.

5. Learned counsel appearing for respondent nos. 1 and 2, i.e., MCD submits that unauthorized construction on the 3rd, 4th and 5th floors of the property in question was booked, and a Demolition Order was passed on 18th July, 2024. He further submits that part action was taken on the fifth floor of the property in question on 06th September, 2024.

6. He further submits that next action is now fixed for 17th November, 2025. He further submits that the property in question, from the basement to the second floor is protected under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.

7. Perusal of the writ petition shows that the aforesaid facts which have come to the fore, on account of the submissions made by the respondents, have been totally suppressed by the petitioner in the present writ petition.

8. The present writ petition is clearly an arm-twisting attempt by the petitioner, in order to settle his personal scores with respondent no. 4.

9. Though, this Court is enjoined upon to take strict action against any unauthorized construction, which is brought to the notice of the Court, however, private persons cannot be allowed to misuse and abuse the process of law in this manner, by suppressing material facts before this Court. The present writ petition has clearly been filed with oblique motives by a tenant against his landlord, since the tenant is facing eviction proceedings. Further, the petitioner has also not approached this Court with clean hands, and has suppressed all the facts, which have been brought forth by the respondents, during the course of hearing.

10. Accordingly, this Court notes that MCD has already taken cognizance of the unauthorized construction existing in the property in question, and part demolition action has already been taken. Further this Court also takes note of the fact that the MCD has fixed action for further demolition on 17th November, 2025.

11. Accordingly, MCD is directed to ensure that requisite action is taken against the unauthorized construction in the property in question, in accordance with law.

12. However, considering the aforesaid detailed discussion, the present writ petition is dismissed with a cost of Rs. 30,000/- (Thirty Thousand Rupees Only), payable by the petitioner to:

"Delhi High Court Bar Clerk's Association

Account No. 15530100006282

IFSC Code: UCBA0001553

Bank Name: UCO Bank

Branch: Delhi High Court”

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

14. For compliance by the petitioner for payment of cost, list before the Registrar on 12th December, 2025.