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

% **Date of Decision: 30.05.2025**

+ W.P.(C) 8214/2025

MADHU GUPTA

.....Petitioner

Through: Mr. Farhad Alam, Advocate (through
VC)

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents

Through: Mr. Abhinav Singh, Mr. Somnath
Shukla, Advocates and Mr. Rajesh
Kumar Gupta, AE, MCD
Mob: 981118892

Mr. Prabhsahay Kaur, SC, DDA with
Mr. Kavya Shukla, Ms. Harshita Rai,
Advocates

Mob: 8858999883

Email: sahayk@gmail.com

SI Satyapreet, PS Kalindi Kunj

Mob: 7838723631

Mr. Vinish Phoghat, SPC, UOI for R-
2

Mob: 9716042883

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 to 3, to removal illegal and unauthorised construction in the property bearing no. *B 236 B, Block-B, Gali No. 3, Khadda Colony, Jaitpur Extn-II, Delhi-44, measuring about 80 sq. yards.*



2. Learned counsel appearing on behalf of respondent no. 3-Delhi Development Authority (“DDA”)/Special Task Force (“STF”), has drawn the attention of this Court to the writ petition, to submit that the present writ petition has not been signed by the petitioner, but only by the counsel for the petitioner.

3. Attention of this Court has also been drawn to *Annexure P-2*, which is the complaint made by the petitioner to respondent no. 3 – STF, that is reproduced as under:



Welcome to STF Constituted under the order of Hon'ble Supreme Court of India. The STF Software best works on CHROME and MOZILLA browsers.

REPRINT REFERENCE

Reference Id

SPECIAL TASK FORCE (STF)

Sl No./Reference

Date: 25/05/2025

ID: SNS202505259

1. Name of complainant

Madhu Gupta

2. Address of complainant

3. Gender

Female

4. Mobile No.

9211753149

5. Telephone No.

6. Email-ID

nitinsrivastav961[at]gmail[dot]com

7. Type of complaint

Ongoing Unauthorized Construction

8. Jurisdiction of organization about complaint

South Delhi Municipal Corporation

9. Concerned Nodal Officer

Central Ex.Engr.(B)II

10. Complaint description including property details

Unauthorised construction going on over B236B Jaitpur Extension 2 South East Delhi by Vaheedan and Nooruddin. Property in O Zone and without sanctioned map illegal unauthorized construction is going on. Nooruddin ph.099999 74771

11. Document Uploaded

Not Uploaded

Signature

Mobile No.: 9211753149

4. By referring to the aforesaid, learned counsel appearing for the STF



submits that the mobile number and email details provided in the complaint before the STF, is of the counsel, who has filed the present writ petition.

5. The details of the counsel for the petitioner, as given in the petition, is reproduced as under:

*“Farhad Alam Advocate
Ph. 9211753149
Email: nitinsrivastav961@gmail.com
Office: G 124, Karkardooma Courts Lawyers Chambers,
Delhi 110032”*

6. The details of learned counsel for the petitioner, as given in the petition, occur in the complaint before the STF, and match with the purported details of the complainant before the STF.

7. Learned counsel appearing for respondent no. 3 relies upon the order dated 4th July, 2024, passed by Division Bench in W.P.(C) 8771/2024, wherein, it has been noted as follows:

“xxx xxx xxx

*3. This Court has informed the learned Commissioner (MCD) that in a number of Public Interest Litigations with regard to unauthorised construction, **the Courts have been used as a ‘strategic tool’ by both the petitioner and the officials of the MCD for their ulterior purpose. Learned Commissioner has been informed that a few litigants are filing petitions with regard to unauthorised construction which has been carried out in connivance with officials of MCD in a bid to extort money. It has been pointed out that if the Court takes action against the unauthorised construction, the property owner believes that the whole process is ‘rigged’ and if the Court does not take action, then the unauthorised construction is presumed to be sanctified/approved by the Court.***

4. Learned Commissioner (MCD) states that he is aware of and is monitoring the impugned construction. He further states that appropriate action shall be taken against deviations/unauthorised construction as well as against erring officials.

5. Though the allegation of extortion is denied by the petitioner, who is personally present in Court, yet learned senior counsel for the Respondent No.5 assures and undertakes to this Court that the



Respondent No.5 shall itself demolish/remove unauthorised as well as illegal construction and deviations, if any. He further assures that the owner/occupiers shall bring the building in question in conformity with both the sanctioned plans within four weeks.

6. Learned senior counsel for the Respondent No. 5 also undertakes that the answering Respondent shall not transfer the property or part with its possession to any third party till the completion certificate is received from the MCD. The assurances/undertakings given by the Commissioner, MCD as well as the owner/occupiers of the property in question are accepted by this Court and they are held bound by the same.

xxx xxx xxx”

(Emphasis Supplied)

8. Attention of this Court has been drawn to the order dated 14th May, 2024, wherein, the said petition was ultimately allowed to be withdrawn unconditionally.

9. Responding to the present petition, learned counsel appearing for respondent – Municipal Corporation of Delhi (“MCD”) submits that the unauthorised construction in the property in question already stands booked.

10. He further submits that requisite action is already being taken. The same is taken note of.

11. On account of the glaring facts presented before this Court, with regard the conduct of the petitioner and the counsel thereof, this Court has taken a very serious view of the matter, where complaints against unauthorised construction are being filed by advocates themselves, and writ petition is being filed without the signatures of the purported litigant. This is clearly an abuse and misuse of the process of law. The process of the Court cannot be misused for ulterior motives.

12. The Supreme Court in the case of ***Bhagwan Singh Versus State of U.P. and Others, 2024 SCC OnLine SC 2599***, while observing the role of



advocates in participating in ill motivated litigations with unscrupulous litigants, observed as follows:

“xxx xxx xxx

29. No Court can allow itself to be used as an instrument of fraud and no Court can allow its eyes to be closed to the fact that it is being used as an instrument of fraud. As held by this Court in V. Chandrasekaran v. Administrative Officer.

“The judicial process cannot become an instrument of oppression or abuse, or a means in the process of the court to subvert justice, for the reason that the court exercises its jurisdiction, only in furtherance of justice. The interests of justice and public interest coalesce, and therefore, they are very often one and the same. A petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court.”

30. The matter assumes serious concern when the Advocates who are the officers of the Court are involved and when they actively participate in the ill-motivated litigations of the unscrupulous litigants, and assist them in misusing and abusing the process of law to achieve their ulterior purposes.

31. People repose immense faith in Judiciary, and the Bar being an integral part of the Justice delivery system, has been assigned a very crucial role for preserving the independence of justice and the very democratic set up of the country. The legal profession is perceived to be essentially a service oriented, noble profession and the lawyers are perceived to be very responsible officers of the court and an important adjunct of the administration of justice. In the process of overall depletion and erosion of ethical values and degradation of the professional ethics, the instances of professional misconduct are also on rise. There is a great sanctity attached to the proceedings conducted in the court. Every Advocate putting his signatures on the Vakalatnamas and on the documents to be filed in the Courts, and every Advocate appearing for a party in the courts, particularly in the Supreme Court, the highest court of the country is presumed to have filed the proceedings and put his/her appearance with all sense of responsibility and seriousness. No professional much less legal professional, is immuned from being prosecuted for his/her criminal misdeeds.

xxx xxx xxx”

(Emphasis Supplied)



13. Accordingly, considering the facts and circumstances of the present case, as noted above, the present writ petition is dismissed with cost of Rs. 50,000/- to be borne jointly by both the petitioner and the counsel, to be paid towards the Delhi High Court Advocates Welfare Trust ('A/c No. 15530210002995, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553') fund.

14. For compliance with regard to payment of the cost by the petitioner and the counsel for the petitioner jointly, list before the Joint Registrar on 21st July, 2025.

MINI PUSHKARNA, J

MAY 30, 2025/ak