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

% **Date of Decision: 14th October, 2025**

+ CONT.CAS(C) 1051/2025

MANORAMA SAKKERWAL

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Gyanendra Kumar, Advocate for
MCD

Mob: 9560505601

Mr. Gaganmeet Singh Sachdeva, Mr.
Harshpreet Singh Chadha and Mr.
Hridyesh Khanna, Advocates for
DDA

Mob: 9582055425

Email: gaganmeet3@gmail.com

Mr. Abhishek Khanna, SPC with Ms.
Sneha Rawat, Advocate for R-2

Mob: 8769771900

SI Omkar, PS Prasad Nagar

Mob: 9013261366

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+ W.P.(C) 6727/2025, CM APPL. 30566/2025 & CM APPL.
64694/2025

SMT MANORAMA SAKKERWAL

.....Petitioner

Through: None.

versus



MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Gyanendra Kumar, Advocate for
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Mob: 9560505601
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Mob: 8769771900
SI Omkar, PS Prasad Nagar
Mob: 9013261366
Mr. Aditya Kumar, Ms. Ila Nath and
Ms. Sheetal Dubey, Advocates for R-
4
Mob: 9871421111
Email: adityakumaradv@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
MINI PUSHKARNA, J (ORAL)

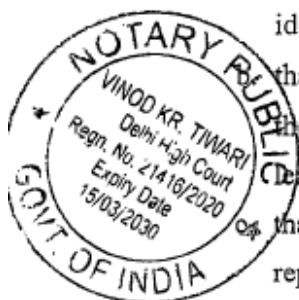
1. The present writ petition has been filed praying for directions to respondent nos. 1 to 3, for restraining respondent nos. 4 and 5 from carrying out any further construction at the property bearing No. 5468/71, Raiger Pura, Karol Bagh, New Delhi.
2. Learned counsel appearing for respondent no. 4 draws the attention of this Court to the counter affidavit filed on behalf of respondent no. 4, relevant portions of which, read as under:



“xxx xxx xxx

XI. THAT, it is of vital importance to note that the petitioner has deliberately concealed and suppressed the following extremely material facts from this Hon’ble Court:

a. that, civil suit bearing no. CS/SCJ/355/2025 had been instituted by her before the learned Trial Court seeking identical reliefs;



that, the respondent no. 1 herein, i.e., MCD had duly inspected the premises of the answering respondent upon orders of the learned Trial Court;

that, the MCD had duly furnished a comprehensive status report before the learned Trial Court and had categorically observed that the construction activity being undertaken by the answering respondent was completely in accordance with the sanctioned building plan and that there was no deviation/excess coverage. It is of vital importance to note that the status report filed by the MCD was taken on record by the learned Trial Court and the findings thereof were duly recorded in order dated 02/04/2025, and the matter was placed for arguments on maintainability of the civil suit on 30/04/2025;

d. that, it is of vital importance to note that on the date that the matter was fixed for arguments on maintainability of the civil



suit in light of the status report filed by the MCD, a proxy counsel on behalf of the petitioner-plaintiff had appeared before the learned Trial Court on 30/04/2025 in the first half, and had submitted that the matter had been settled between the parties, and had sought a passover in order to enable the arguing counsel to make submissions before the learned Trial Court;

- e. that, in the second half, when the matter was called out for the second time, there was no representation on behalf of the petitioner-plaintiff, and in light of the categorical status report submitted by the MCD, the learned Trial Court had dismissed the civil suit for non-prosecution;

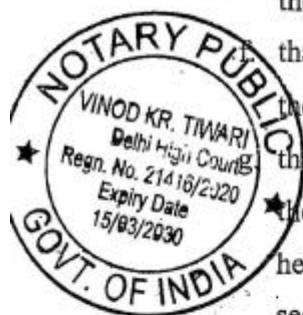
that, the petitioner-plaintiff had not taken any steps to restore the said civil suit which was dismissed for non-prosecution;

that, a bare perusal of the Aadhar Card brought on record by the petitioner would indicate that the address details showing her residential address to be property bearing no. 5469/71 was seemingly updated on 05/05/2025, i.e., five days after the dismissal of the civil suit instituted by her, and merely 12 days before institution of the instant writ petition;

- h. that, the petitioner has misstated on oath that she is a resident of property bearing no. 5469/71, inasmuch as, the latest photograph enclosed along with the instant counter affidavit would amply demonstrate that the property has been uninhabited for a long period of time, and to the best of the knowledge of the answering respondent, the property has been uninhabited for almost two decades owing to a title dispute between the various persons laying claim to the said property.

xxx xxx xxx”

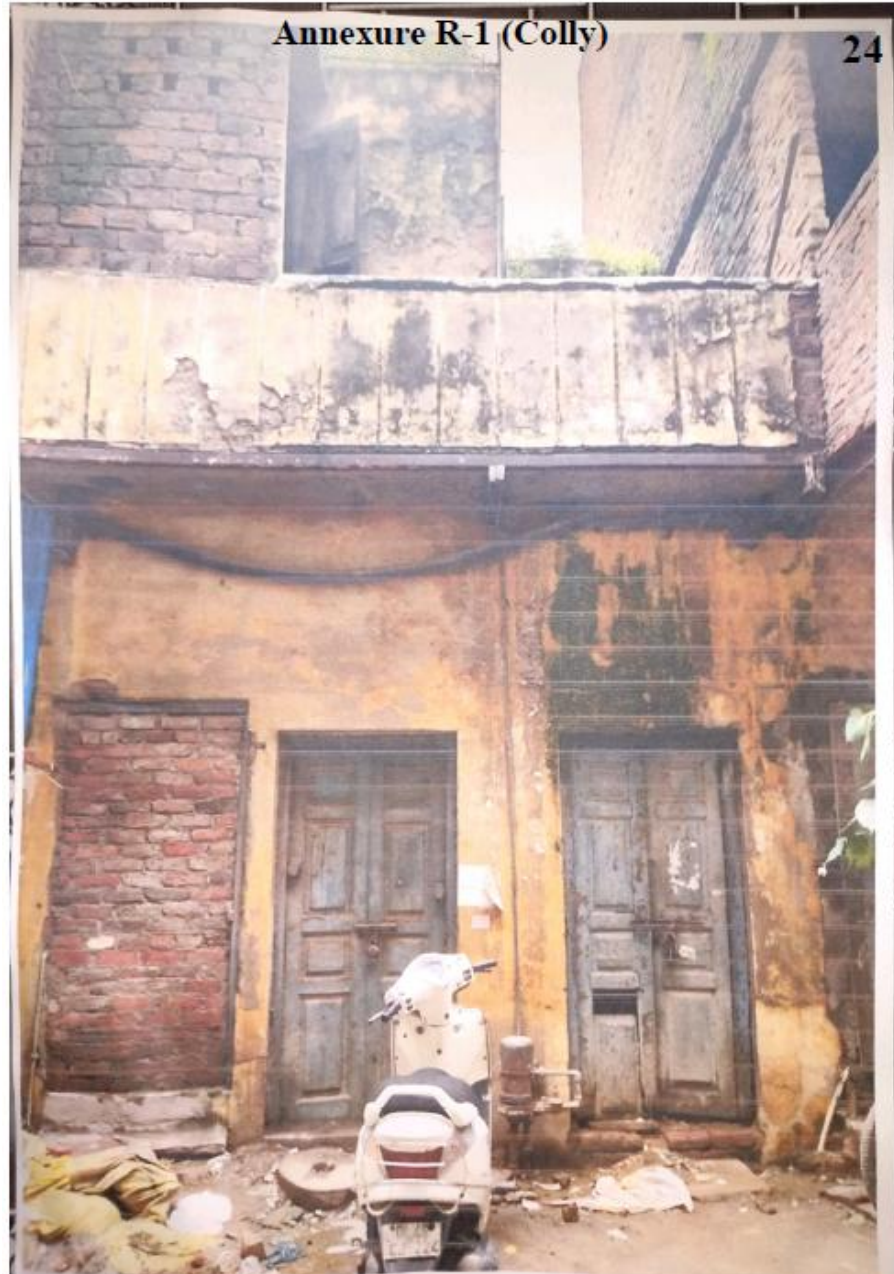
3. By referring to the aforesaid counter affidavit, learned counsel appearing for respondent no. 4 submits that the petitioner does not reside in





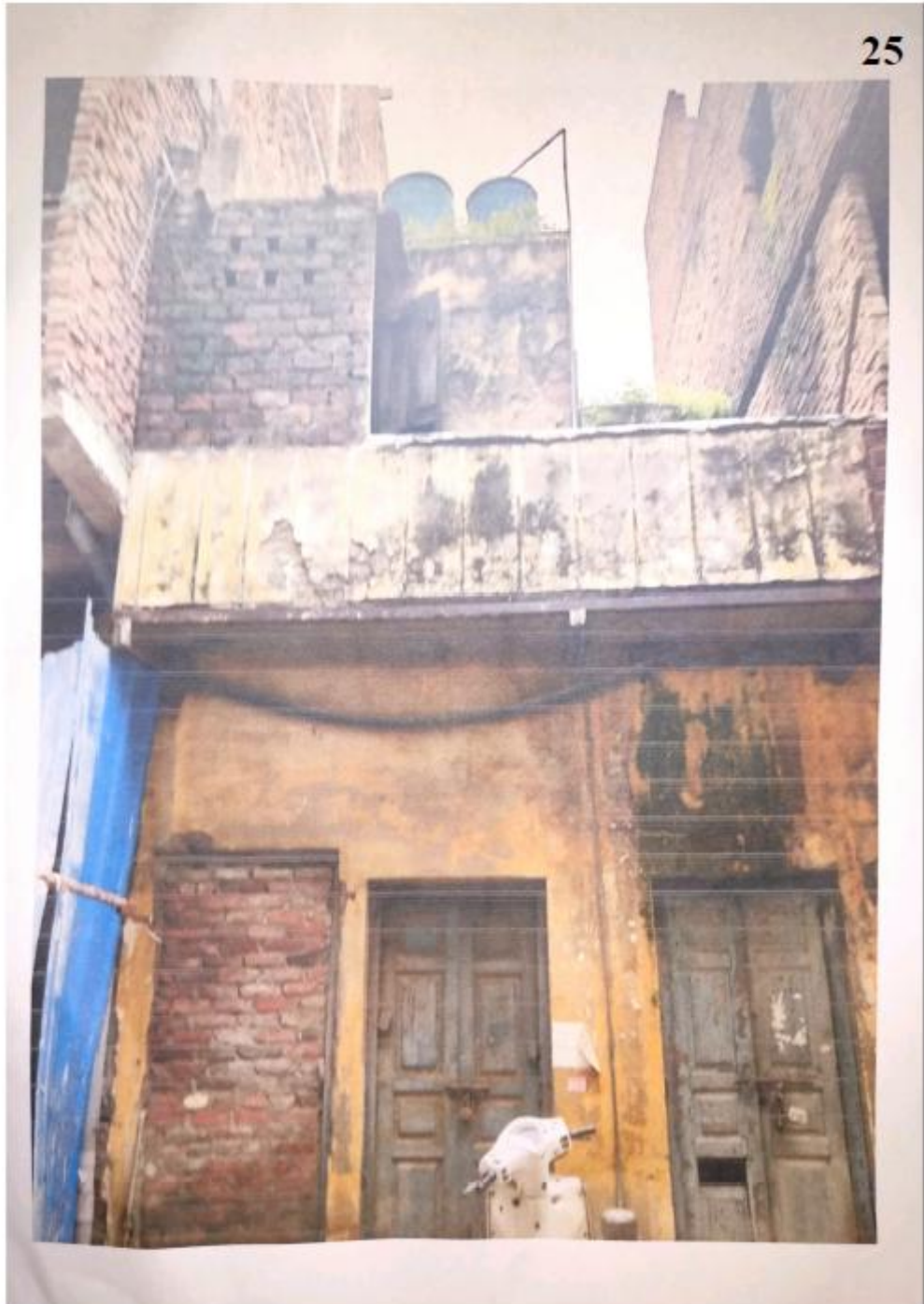
the property in question and that the said property is lying vacant for more than last twenty years.

4. The photographs of the said property, as attached along with the counter affidavit of respondent no. 4, are reproduced as under:





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5. Further, learned counsel appearing for respondent no. 4 has also drawn the attention of this Court to the Aadhaar Card of the petitioner, which is reproduced as under:



6. By referring to the aforesaid Aadhaar Card, learned counsel appearing for respondent no. 4 submits that the details in the said Aadhaar Card were only updated on 05th May, 2025, i.e., immediately before filing of the present writ petition.

7. He further submits that a civil suit was filed on behalf of the petitioner being *CS/SCJ 355/2025*, titled as “*Manorama Devi Versus Sunil Kumar & Ors.*” before the Court of Civil Judge, Central Delhi.

8. He submits that the said suit was filed with the same prayer as in the present writ petition for taking action against the alleged unauthorized construction existing in the property of respondent nos. 4 and 5, respondent no. 4 being the owner/occupier of the property in question and respondent no. 5 being the builder of the said property.



9. He submits that the said suit filed on behalf of the petitioner herein was dismissed on 30th April, 2025. Thus, it is submitted that after the dismissal of the said suit on 30th April, 2025, the petitioner, after having her Aadhaar Card updated on 05th May, 2025, filed the present writ petition on 17th May, 2025.

10. He further submits that the aforesaid facts with regard to the suit having been filed by the petitioner, have not been disclosed in the present writ petition.

11. He further draws the attention of this Court to the complaint made on behalf of the respondent no. 4 to the Station House Officer (“SHO”), Police Station-Karol Bagh, wherein, the respondent no. 4 has made a complaint against the petitioner and her son, who are trying to extort money from respondent no. 4, with respect to the construction in the property of the respondent no. 4.

12. He further draws the attention of this Court to the order passed in CS SCJ 355/2025, by the Tis Hazari Courts, wherein, it is clearly stated that the Status Report filed on behalf of the Municipal Corporation of Delhi (“MCD”) shows that no construction was being carried out in the property of respondent no. 4 herein and that rather, it was the stand of the MCD before the Tis Hazari Court that the construction had been done after obtaining the Sanctioned Building Plan under the SARAL Scheme, Unified Building Bye Laws for Delhi, 2016 (“UBBL 2016”).

13. *Per contra*, learned counsels appearing for respondent-MCD draws the attention of this Court to the Status Report filed on behalf of the MCD to submit that requisite action has already been taken against the property in question.



14. Having heard learned counsels appearing for the parties, it is apparent that the petitioner herein had earlier approached the Tis Hazari Courts, by way of filing a civil suit, being *CSSCJ 355/2025*, titled as “*Manorama Devi Versus Sunil Kumar & Ors.*”.

15. As per the submissions made before this Court, the said suit was filed on the same cause of action as the present writ petition. The said suit was ultimately dismissed *vide* order dated 30th April, 2025. The order dated 30th April, 2025, passed by the learned Civil Judge, in the suit filed on behalf of the petitioner herein, is reproduced as under:

CS SCJ 355/25
Manorama Devi Vs. Sunil Kumar
CNR No. DLCT030011542025

30.04.2025

Present : Ms. Radhika Tandon, Ld. Proxy counsel for the plaintiff.
Sh. Tarun Gulati, Ld. Counsel for defendant No.3.
Sh. Shitij Vats, Ld. Counsel for the defendant No.4/MCD through VC.
Sh. Vaibhav Yadav, Ld. Counsel for defendant No.5/BSES through VC.

Memo of appearance filed on behalf of defendant no.3. Same is taken on record.

It is submitted by Ld. Proxy counsel for the plaintiff that the matter has been settled between the parties out of Court. She seeks a pass over for the main counsel to appear and withdraw the present suit.

Be awaited.

(Rinku Jain)
ASCIJ-01 (Central)/Delhi
30.04.2025

At 03:15 pm

Present : None.

No one has appeared on behalf of plaintiff despite the pass over and the submission that the present case has been settled between the parties, out of Court.

As per status report filed on behalf of defendant no.4/MCD, the construction in the suit property is being carried out after obtaining a building sanction plan under the SARAL

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scheme and there is no deviation/excess coverage till date. It appears that the plaintiff is no longer interested in pursuing his case. In these circumstances, the present case is dismissed in default for non-appearance as well as for non-prosecution.

File be consigned to the Record Room after due compliance.

RINKU JAIN Digitally signed by RINKU JAIN
Date: 2025.04.30 16:12:18 +0530
(Rinku Jain)
ASCJ-01 (Central)/Delhi
30.04.2025

16. Perusal of the aforesaid order clearly shows that as per the Status Report filed on behalf of the MCD before the Tis Hazari Courts, the construction in the property which is the subject matter of the present writ petition, was being carried out after obtaining the Sanctioned Building Plan from the MCD.

17. This Court further notes the Status Report dated 11th October, 2025 filed on behalf of the respondent-MCD, relevant portion of which, are reproduced as under:

“xxx xxx xxx

2. That as per record the Property No. 5468/71, Regarpura, Karol Bagh has been inspected by the area Junior Engineer(B)/KBZ concerned on 23.05.2025, in pursuance of the order dated 19.05.2022 of this Hon'ble Court. During inspection, it was noticed that the Property No. 5468/71, Regarpura, Karol Bagh is divided into three parts, out of which one part measures 75 sqm and remaining two parts measures 37.5 sqm each. The part



admeasuring 75 sqm has been constructed from basement upto third floor and two parts admeasuring 37.5 sqm have been constructed from basement up to fourth floor.

3. That action against the one part measuring 75 sqm for unauthorized construction in the property has been initiated u/s 344(1) and 343 of the DMC Act, 1957 in the shape of deviation/excesss coverage at basement, ground floor, first floor, second floor and third floor with projection on Govt. Land against sanction building plan ID bearing No. 20013782 vide file no. 110/C-84/B/UC/KBZ/25 dated 23.05.2025. The order of demolition u/s 343 of DMC Act, 1957 had been passed on 17.06.2025. Copy of the demolition order vide no. 110/C-84/B/UC/KBZ/25 dated 17.06.2025 is annexed herewith as **Annexure-A**.

That in pursuance of the demolition order dated 17.06.2025, a demolition action against the property had been fixed for 13.08.2025 but the action could not be taken due to non-availability of police force. Further demolition action had been fixed on 01.10.2025 and demolition action taken in the shape of demolishing two RCC panels at ground floor and first floor (01 panel at each floor) reinforcement also cut with the gas cutter.

4. That in addition to above, sealing proceedings u/s 345A of the DMC Act, 1957 has also been initiated against the above property and a sealing order u/s 345A of the DMC Act, 1957

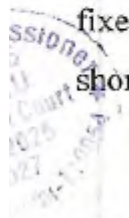


had been passed Vide No. 17/UC/Seal/EE(B)/KBZ/2025 dated 28.08.2025. In pursuance of the sealing order dated 28.08.2025 a sealing action against the property had been fixed for 01.10.2025 but sealing action could not be taken due to shortage of time. Further action in the matter shall be taken in due course of time.

5. That action against the second part measuring 37.5 sqm for unauthorized construction in the property has been initiated u/s 344(1) and 343 of the DMC Act, 1957 in the shape of deviation/excesss coverage at basement, ground floor, first floor, second floor and third floor against sanction building plan vide ID No. 20019712 and further unauthorized construction at fourth floor with projection on Mpl. Land against sanction building plan vide file no. 111/C-84/B/UC/KBZ/25 dated 23.05.2025. An order of demolition u/s 343 of the DMC Act, 1957 had been passed on 17.06.2025. Copy of Demolition Order Vide No. 111/C-84/B/UC/KBZ/25 dated 17.06.2025 is annexed herewith as **Annexure-B**.

That in pursuance of the demolition order dated 17.06.2025, a demolition action against the property had been fixed for 01.10.2025 but the action could not be taken due to shortage of time.

That in addition to above, sealing proceedings u/s 345A of the DMC Act, 1957 has also been initiated against the above property and a sealing order u/s 345A of the DMC Act,





1957 had been passed Vide No. 15/UC/Seal/EE(B)/KBZ/2025 dated 28.08.2025. In pursuance of the sealing order dated 28.08.2025 a sealing action against the property had been fixed for 01.10.2025 but sealing action could not be taken due to shortage of time. Further action in the matter shall be taken in due course of time.

6. That action against the third part measuring 37.5 sqm for unauthorized construction in the property has been initiated u/s 344(1) and 343 of the DMC Act, 1957 in the shape of entire basement, ground floor, first floor, second floor, third floor and fourth floor with projection on Govt. land without sanction building plan vide file no. 112/C-84/B/UC/KBZ/25 dated 23.05.2025. An order of demolition u/s 343 of the DMC Act, 1957 had been passed on 17.06.2025. Copy of demolition order vide no. 112/C-84/B/UC/KBZ/25 dated 17.06.2025 is annexed herewith as **Annexure-C**.

That in pursuance of the demolition order dated 17.06.2025, a demolition action against the property had been fixed for 10.09.2025 and demolition action taken in the shape of demolishing two RCC panels at fourth floor of the property and reinforcement had also been cut with the help of gas cutter and fourth floor made completely inhabitable.

That in addition to above, sealing proceedings u/s 345A of the DMC Act, 1957 has also been initiated against the above property and a sealing order u/s 345A of the DMC Act,

1957 had been passed Vide No. 16/UC/Seal/EE(B)/KBZ/2025 dated 28.08.2025. In pursuance of the sealing order dated 28.08.2025 a sealing action against the property had been fixed for 10.09.2025 but sealing action could not be taken due to resistance from local public. Further action in the matter shall be taken in due course of time.

”



18. Perusal of the aforesaid Status Report filed on behalf of the MCD shows that demolition and sealing action have been initiated by the MCD against the property in question on the ground that unauthorized construction exists in the property in question.

19. The said stand of the MCD, as disclosed in the Status Report of the MCD before this Court, is in total contradiction to the stand of the MCD before the Tis Hazari Court, wherein, it was stated that the construction was being carried out in the property, in terms of the Sanctioned Building Plan.

20. Accordingly, the MCD is directed to relook into the matter as regards the contradictory stand taken before this Court and before the Tis Hazari Courts and, after having a relook at its Report, appropriate action in accordance with law shall be taken by the MCD, wherever needed.

21. It is to be noted that the fact of the suit having been filed on behalf of the petitioner has not been disclosed before this Court and that there has been clear suppression of material facts. It is clear that there has been a suppression of material facts before this Court, wherein, the petitioner has not disclosed before this Court the fact regarding the civil suit having been filed in the Tis Hazari Courts, on the same cause of action.

22. Further, the fact that the petitioner does not stay at the property in question, as mentioned in the Memo of Parties and that the said property is lying vacant for last more than twenty years, as noted above, is a material factor and the same has not been disclosed by the petitioner before this Court. Clearly, the present writ petition has been filed with a view to solely misuse the process of this Court.

23. It is well settled by a long line of judicial pronouncements that a petitioner, who seeks to invoke the extraordinary, equitable and



discretionary writ jurisdiction of this Court, must come with clean hands and put forward all the facts before this Court, without concealing or suppressing any fact. In case, any party makes a false statement before this Court or suppresses any material facts or attempts to mislead the Court, the writ petition is liable to be dismissed on this ground alone. In this regard, reference may be made to the judgment of the Supreme Court in the case of ***K.D. Sharma Versus Steel Authority of India Limited and Others, (2008) 12 SCC 481***, relevant portions of which are reproduced as under:

“xxx xxx xxx

34. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, “We will not listen to your application because of what you have done.” The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

xxx xxx xxx”

24. Further, this Court takes note of the submission made by learned counsel appearing for respondent no. 4 that the petitioner has been approaching the respondent no. 4 with a view to extort money. The complaint made by respondent no. 4 before the Police, in this regard, is



reproduced as under:

TRUE TRANSLATED COPY OF ANNEXURE R-5

To,
The SHO,
Prasad Nagar, PS Karol Bagh,
New Delhi – 110005

Subject: Extortion bid and mental harassment

Sir,

It is humbly submitted that my name is Lalita Kumari, Resident of 72/5468, Raigar Pura, Karol Bagh, New Delhi – 5. The property adjacent to our property, bearing no. 72/5469, Raigar Pura has been uninhabited for the past 25-26 years, and has, in fact, been sealed on account of Court orders, arising out of a partition dispute, and the said property is in a completely dilapidated condition. The said property is claimed to be hers by one lady by the name of Manorama, whose actual address is 5A/10870, Gali No. 1, Sat Nagar, Karol Bagh, Delhi – 5, and she has gotten a fake Aadhar Card made with respect to the said property. The said lady is demanding money from us by claiming that her property has been damaged. She had earlier filed a case against us which had been dismissed. Her son, Jojo, is a known bad character of the area, and she threatens and harasses people using his name, and in fact, her son is currently out on bail.

This lady had called the three of us, viz, myself, the second being Poornima Sakkerwal, and the third being Aashu Jain (property bearing no. 72/5468 is being developed in three parts) to the premises of one Shri Manoj, located at 73, Raigar Pura for a meeting, and had threatened us by saying that if all three of us do not pay her INR 10 lakh each, she will ensure that our premises is sealed, and that we are never able to complete the ongoing construction, as she will ensure that the property is declared to be an unauthorised construction, and in that regard, she will file complaints before all relevant authorities.

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The constant harassment being faced by us is because we refused to accede to her unreasonable and illegal demands. It is to state that we are undertaking construction activity strictly in in terms of the building plan duly sanctioned by MCD, and we are observing all relevant rules and regulations whilst undertaking construction activity.

This lady has been constantly pursuing the police and the MCD, and is not just harassing us but also the relevant authorities. In our absence, somebody representing her turns up at the construction site and threatens the labourers to cease their activities, and she constantly misrepresents and impersonates herself to be either a police officer or an MCD officer, and clicks photographs of the construction site.

It is humbly submitted that I am a widow, and my children are studying. I am, with great difficulty, undertaking construction activity at my premises, and this lady is constantly mentally and emotionally harassing me, and is constantly pressurising me. I humbly urge you to help me.

Thanking you,

Sd/-
Lalita Kumari,
R/o: 72/5468, Raigar Pura,
Karol Bagh, New Delhi – 5
Ph: 9582895419

Sd/- & Stamp
PS Prasad Nagar
Recd. 19/09/25
SI Rahul Mehta
Mob. No: 8375820647
Complt No: 0008162040250017/25

TRUE TRANSLATED COPY

25. This fact is also elucidated by respondent no. 4 in its counter affidavit, in the following manner:



“xxx xxx xxx

XIV. THAT, it is more than well settled that a writ petition filed with any oblique motive or ulterior purpose is liable to be dismissed at the threshold with imposition of exemplary costs. It is humbly submitted that the instant writ petition is nothing but an attempt at blackmailing and extorting money from the answering respondent, and in which connection, the answering respondent herein had filed a complaint before the Station House Officer, PS Karol Bagh (duly acknowledged by the police station on 19/09/2025, and also assigned a specific complaint number and was marked to an investigating officer), however, the answering respondent is not aware of the progress of investigation in the matter. The true copy of the duly acknowledged complaint dated 19/09/2025 addressed by the answering



respondent before the SHO, PS Prasad Nagar along with its true translated and typed copy is enclosed herewith as **Annexure R-5 (Colly)**.

XV. THAT, it is pertinent to mention that it was categorically alleged by the answering respondent in her complaint dated 19/09/2025 that, the petitioner was constantly threatening and seeking to extort money from the answering respondent, and that the petitioner's son was a known bad character of the area, and who was, at the time of filing of the complaint before the police, out on bail. It was specifically alleged that the petitioner was threatening and harassing the answering respondent by using the name of her son who, to the best of the knowledge of the answering respondent, has an extensive criminal record, is a known bad character in the area, and who was out on bail at the time. It was also specifically alleged that the petitioner was impersonating MCD and police officials and was also threatening the labourers who were working on the construction site. It was specifically alleged in the said complaint dated 19/05/2025 that the petitioner had demanded a sum of INR 10 lakhs from the answering respondent, and that the petitioner had threatened the answering respondent that if her illegal demands were not met, she would ensure that the property of the answering respondent would be demolished and would be declared to be an authorised/illegal construction.

xxx xxx xxx"

26. The facts disclosed before this Court are very serious in nature and no party can be allowed to use the process of this Court for ulterior motives and with a view to extort money from another party on the basis that such party



is carrying out unauthorized construction.

27. There is no doubt that this Court takes very serious note of cases wherever unauthorized construction is carried out, however, the same does not give any leeway to any party to blackmail such persons, who are raising such construction. This is clearly a gross abuse of the process of law.

28. Accordingly, considering the submissions made before this Court, it is clear that the present writ petition filed by the petitioner is by way of oblique motives and not for the purposes of seeking justice, for which the Courts of Law have been established.

29. Accordingly, in view of the detailed discussion hereinabove, the present writ petition is dismissed with cost of Rs. 1,00,000/- (Rupees One Lac), to be paid by the petitioner.

30. The SHO, Police Station - Prasad Nagar, Karol Bagh, is directed to take appropriate action on the complaint made by respondent no. 4.

31. This Court further takes note of the fact, as manifest from the aforesaid complaint made by respondent no. 4 to the police, that the correct address of the petitioner herein is 5A/10870, Gali No. 1, Sat Nagar, Karol Bagh, Delhi-110005.

32. Accordingly, list the matter before the Registrar for compliance of today's order by the petitioner for depositing the cost of Rs. 1,00,000/-, as imposed by this Court.

33. The cost as imposed by this Court shall be deposited by the petitioner within a period of six weeks, from today, payable to the *Delhi High Court Advocates' Welfare Trust* ('A/c No. 15530210002995, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553').

34. With the aforesaid directions, the present writ petition is accordingly,



disposed of.

35. List before the Registrar for compliance on 19th December, 2025.

MINI PUSHKARNA, J

OCTOBER 14, 2025/SK