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

+ W.P.(C) 8770/2024

RAHUL KUMAR

.....Petitioner

Through: Mr. Vivek Kumar Shrivastav, Mr.  
Ravi Bhushan Uppadhya, Advocates  
along with petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, Standing  
Counsel for MCD with Ms. Shweta  
Singh, Advocate.

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Date of Decision: 22<sup>nd</sup> July, 2024

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

### **JUDGMENT**

**MANMOHAN, ACJ : (ORAL)**

1. By order dated 16<sup>th</sup> July, 2024, petitioner was directed to be personally present in the Court today. Though the petitioner is not present, yet Mr. Vivek Kr. Srivastava, Enrolment No. D/1597/2012, Conference Hall, C.K. Daphtary Block, Supreme Court of India, enters appearance on his behalf.

2. On 01<sup>st</sup> July, 2024, the learned counsel appearing for the respondent/ MCD had stated that petitioner had perfected the 'art of exploiting' respondents by filing Public Interest Litigations qua unauthorized constructions. He had further stated that most of the time the petitions were



filed with the Registry only and not even listed in Court and he had also handed over a chart of ten matters that were served upon MCD but were not got listed in 2023 by the petitioner. The same is reproduced hereinbelow:-

S.No	CASE TYPE	YEAR	TITLE	PARTICULARS
1	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Property No. 9093/50, Wd No.1, Nr. Church Compound Mehrauli
2	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Property No. B-72, Freedom Fighter Enclave, New Delhi.
3	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Property No. B-146, Freedom Fighter Enclave, New Delhi.
4	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Property No. B-144, Freedom Fighter Enclave, New Delhi.
5	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Raj Kumar, Khasra No. 257, Rapur Khurd Extn., Op. CNG Pump, Mehrauli <b>Re Service</b>
6	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Boby Bhardwaj, Khasra No. 257, Rapur Khurd Extn., Opp. CNG Pump, Mehrauli, <b>Re Service</b>
7	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Shamsher, Khasra No. 257, Rapur Khurd Extn., Opp. CNG Pump, Mehrauli,
8	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Ejaj, Khasra No. 257, Rapur Khurd Extn., Opp. CNG Pump, Mehrauli,
9	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	Deepak Aggarwal, Khasra No. 257, Rapur Khurd Extn., Opp. CNG Pump, Mehrauli,



10	WPC PIL	2023	RAHUL KUMAR VS. MCD & Ors.	C-3, JVTS, Chhatarpur, Delhi Listed 10.07.2023
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3. It may be mentioned that out of the aforesaid ten matters, it has been informed by the Registry that the matter at serial number 10 was listed in the Court as W.P. (C) 9012/2023 and had been disposed of on 14<sup>th</sup> September, 2023. As regards Item no. 1, the petitioner has stated in his affidavit that the same was wrong and he had never filed any such petition. He has further stated that since the matters at serial numbers 2 to 10 had already been taken up by the concerned authority/ authorities, there was no need to pursue the said matters.

4. Further, two other charts were also reproduced in the said order dated 1<sup>st</sup> July, 2024 which showed the matters that were served upon MCD but not listed in 2023 and during April 2024 to June 2024.

5. According to the petitioner's affidavit, all the writ petitions except WP(C) 6177/2023 and WP(C) 4593/2023 have already been disposed of and the WP(C) – of 2024 is lying under objection, which he will remove as early as possible. However, Registry informed that WP(C) 6177/2023 and WP(C) 4593/2023 had been disposed of on 19<sup>th</sup> October, 2023 and 24<sup>th</sup> September, 2023 respectively and the same are listed for compliance on 24<sup>th</sup> July, 2024 and 10<sup>th</sup> July, 2024 respectively.

6. Learned counsel for the respondent/ MCD has also furnished a chart of forty-two (42) matters which have been filed by the petitioner since March, 2021.

7. Pertinently, on verification from the Registry, it is revealed that out of the said list of forty two (42) matters, only seventeen (17) matters were listed



in the Court and the remaining twenty five (25) matters were not listed in the Court. The Registry, has on enquiry, informed that the said matters were not filed with it. The chart furnished by the Registry is reproduced herein below:-

LIST OF CASES FILED BY SH. RAHUL KUMAR									
Sr. No.	WP	Case Title	Property Details	Department	Name of Counsel of Petitioner	Name of Counsel of MCD	Date of Filing of WP	Dates when none appeared for Petitioner/ Adjournment sought	Whether WP is pending/If yes NDOH/ Whether WP is disposed of / If yes date of disposal
1	WP 3943/2021	Rahul Vs. SDMC & Others	Kh. No. 253, Opposite Building B, Western Marg Saidulajab	Bldg.-II	Sh. V. S. Sharma	Sh. Nishant Kumar	23.03.2021	19.07.2021, 21.09.2021, 09.02.2022, 01.04.2022	Disposed of on 01.04.2022 on the report of MCD regarding demolition though the proxy counsel for the petitioner sought adjournment
2	WP 3055/2023	Rahul Vs. MCD	253/3, Opp. Building No. A, Western Marg, New Delhi	Bldg.-II	G. D. Mishra	Ratul Sharma	10.03.2023		Disposed of on 11.09.2023 since, petitioner submitted about the MCD action.
3	WP 14961/2023	Rahul Vs. MCD & Others	Kh. No. 549, Old address Shop No. 5, Kukki Shop Sultan Pur Colony Fatehpur Beri,	Bldg.-II	Smita Kumari Rajgarhia	Minakshi Midha	17.11.2023	20.11.2023, 26.02.2024	Dismissed on 26.02.2024 for non prosecution and in default.
4	WP 12203/2023	Rahul Kumar Vs. MCD & Others	Rajpur Road Khurd, Opp. CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II	Vijaylaxmi Jha	Sanjeev Sabharwal	12.09.2023	not present	Disposed of on 18.09.2023 with directions to approach STF.
5	WP 12204/2023	Rahul Kumar Vs. MCD & Others	Rajpur Road Khurd, Opp. CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II	Vijaylaxmi Jha	Sanjeev Sabharwal	12.09.2023	not present	Disposed of on 18.09.2023 with directions to approach STF.
6	WP 8770/2024	Rahul Kumar Vs. MCD	Khasra No. 21/21, A-Block, House No. 32, Shanti Kunj, Vasant Kunj, New Delhi	Bldg.-II	Vijaylaxmi Jha / Vivek Kumar Shrivastava	Sanjeev Sabharwal	30.05.2024	01.07.2024	<b>Pending for 22.07.2024 Directions issued for the personal appearance of the petitioner</b>



7	WP 6247 /2023	Rahul Kumar Vs. MCD & Others	Kh. No. 257, Raj pur Khurd Extn. Opposite CNG Pump Chattarpur, New Delhi	Bldg.-II	Vijaylaxmi Jha	Beenashaw N. Soni	08.05.2023	14.09.2023, 19.10.2023, 28.11.2023, 01.12.2023	Disposed of on 01.12.2023 on the report of MCD
8	WP 11211/ 2022	Rahul Kumar Vs. MCD & Others	H No. 467/7, South Ex.-II, Masjid Moth, Adj. to MCD Office	Bldg.-I	Sparsh Kamwal	Ajjay Arorra	26.07.2022	14.09.2023, 01.03.2024	Disposed of on 14.09.2023 with directions to STF and finally disposed of on 01.03.2024.
9	WP 11036/ 2022	Rahul Kumar Vs. MCD	4 Properties i.e. T-18, Ward No. 6, Islam Colony, Mehrauli, 886-E, Ward No. 8, Near Lake View Apartment, Mehrauli, 598/B, Ward No. 3 Near Bhuiyan Chowk, Mehrauli and 186, Ward No. Jatwara, Near Mor Wali Chaupal, Mehrauli, New Delhi	Bldg.-II		Ajjay Arorra	21.07.2022	25.07.2022, 14.09.2023, 01.03.2024	Disposed of on 14.09.2023 with directions to STF and finally disposed of on 01.03.2024.
10	WP 15253/ 2022	Rahul Kumar Vs. MCD	406/405, Leela Ram Market, Masjid Moth, South Extn., Phase - II	Bldg.-I	Vijaylaxmi Jha	Ajjay Arorra	02.11.2022	14.09.2023, 19.10.2023	Dismissed on 19.10.2023 on the report of MCD.
11	WP 4593/ 2023	Rahul Kumar Vs. MCD & Others	44, Bagiya, Near Hanuman Mandir, In front of Bus Stand, Ber Sarai, New Delhi	Bldg.-II	G. D. Mishra	Arjan Mahajan/ Sanjeev Sagar	10.04.2023	14.09.2023, 10.11.2023, 20.12.2023, 28.02.2024, 22.05.2024	Disposed of on 14.09.2023, but was listed for compliance lastly on <b>10.07.2024</b> Demolition order passed. No further order is available.
12	WP 6311/ 2023	Rahul Kumar Vs. MCD & Others	889, Near Jahaj Mahal, Near Sarai, Mehrauli, New Delhi	Bldg.-II	Vijaylaxmi Jha	Sanjeev Sabharwal	10.05.2023	14.09.2023, 19.10.2023, 25.01.2024, 21.02.2024, 20.03.2024, 01.04.2024	Direction issued to STF on 19.10.2023 and thereafter listed for compliance Directions issued to MCD Tribunal to decide the matter within one week and matter is listed for compliance for <b>24.07.2024</b>
13	WP 6177/ 2023	Rahul Kumar Vs. MCD & Others	C-Block, House No. 50, Freedom Fighter Enclave, South Delhi, New Delhi	Bldg.-II	Vijaylaxmi Jha	Ajay Arorra	08.05.2023	11.05.2023, 14.09.2023, 19.10.2023, 25.01.2024, 21.02.2024, 01.04.2024	Direction issued to STF on 19.10.2023 and thereafter listed for compliance Directions issued to MCD Tribunal to decide the matter within one week



									and matter is listed for compliance for 24.07.2024
14	WP 6138/2023	Rahul Kumar Vs. MCD & Others	N-Block, House No. 97, Freedom Fighter Enclave, South Delhi, New Delhi - 110068	Bldg.-II	Vijaylaxmi Jha	Sanjeev Sabharwal	08.05.2023	14.09.2023, 01.03.2024	Disposed of on 14.09.2023 with directions to STF and finally disposed of on 01.03.2024.
15	WP 15252/2022	Rahul Kumar Vs. MCD	C-93, Himalaya Lok, JVST, Chattarpur, New Delhi	Bldg.-II	Vijaylaxmi Jha/ Kamlesh Kumar Mishra	Ajay Arorra	02.11.2022	14.09.2023	Disposed of on 14.09.2023 with directions to STF and finally disposed of on 28.02.2024
16	WP 9012/2023	Rahul Kumar Vs. MCD & Others	C-3, JVTS Garden, Chattarpur, New Delhi	Bldg.-II	Vijaylaxmi Jha/ Kamlesh Kumar Mishra	Sanjeev Sabharwal	04.07.2023	10.07.2023, 14.09.2023, 09.10.2023	Disposed of on 14.09.2023 with directions to STF on the report of MCD and finally disposed of on 01.03.2024
17	WP 4679 /2023	Rahul Kumar Vs. MCD & Others	1093/50 Ward No. 1, Church Colony, New Delhi	Bldg.-II	Samrender Kumar	Sanjiv Sagar	10.04.2023	13.04.2023, 14.09.2023, 01.03.2024	Disposed of on 14.09.2023 with directions to STF on the report of MCD and finally disposed of on 01.03.2024
18	WP /2023	Rahul Kumar Vs. MCD & Others	U/c at Property No. 602D/ A-3, Ward No. 3, Near Vikas Hospital Teachers Colony, Pandit Chowk, Mehrauli, New Delhi	Bldg.-II		Beenashaw N. Soni			No record is available with the Registry
19	WP /2023	Rahul Kumar Vs. MCD & Others	Kh. No. 257, Opposite CNG Pump, Rajpur Khurd Extn.	Bldg.-II		Sanjeev Sabharwal / Arjun Mahajan 9810047321			No record is available with the Registry
20	WP /2023	Rahul Kumar Vs. MCD	House No. D-49, Shanti Kunj, Church Road, Vasant Kunj, New Delhi	Bldg.-II		Arjun Mahajan			No record is available with the Registry
21	WP /2023	Rahul Kumar Vs. MCD	House No. 72, B-Block, Freedom Fighter Enclave, New Delhi	Bldg.-II		Ajay Arorra			No record is available with the Registry
22	WP /2023	Rahul Kumar Vs. MCD	House No. 144, Freedom Fighter Enclave, New Delhi	Bldg.-II		Ajay Arorra			No record is available with the Registry



23	WP /2023	Rahul Kumar Vs. MCD & Others	House No. A-1, B-2, Birla Chattarpur Extn. New Delhi	Bldg.-II		Ajjay Arorra		No record is available with the Registry
24	WP /2023	Rahul Kumar Vs. MCD & Others	KH No. 257, Raj Pur Khurd Extn., Opp. CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Ajjay Arorra		No record is available with the Registry
25	WP /2023	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sabharwal		No record is available with the Registry
26	WP /2023	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sabharwal		No record is available with the Registry
27	WP /2023	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sabharwal		No record is available with the Registry
28	WP /2023	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sabharwal		No record is available with the Registry
29	WP /2023	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sabharwal		No record is available with the Registry
30	WP /2024	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Ashutosh Gupta 9891826827		No record is available with the Registry



31	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati)	Farm No. 1, Oak Drive, Central Lane, DLF Farms, Chattarpur, New Delhi	Bldg.-I		Sanjeev Sagar 9811016162		No record is available with the Registry
32	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati, Petitioner Connected Matter)	House No. 39, (Adjacent of Govt. Sarvodaya Co-Ed Vidyalaya Shahpur Jat, South Delhi, New Delhi	Bldg.-I		Sanjeev Sagar 9811016162		No record is available with the Registry
33	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati, Petitioner Connected Matter)	257, Rajpur Khurd Extn. Opposite CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Sanjeev Sagar 9811016162		No record is available with the Registry
34	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati, Petitioner Connected Matter)	House No. 476, Hardev Puri, Gautam Nagar, South Delhi, New Delhi	Bldg.-II		Sanjeev Sagar 9811016162		No record is available with the Registry
35	WP /2024	Rahul Kumar Vs. MCD & Others	P. No. 257, Raj Pur Khurd Extn., Opp. CNG Pump, Chattarpur, Mehrauli, New Delhi	Bldg.-II		Ajjay Arorra		No record is available with the Registry
36	WP /2024	Rahul Kumar Vs. MCD & Others	House No. 1093, Ward No. 1, Between Gali No. 2 and 3 Church Colony Market, Mehrauli, New Delhi	Bldg.-II		Ajjay Arorra		No record is available with the Registry
37	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati, Petitioner Connected Matter)	House No. 476, Hardev Puri, Gautam Nagar, South Delhi, New Delhi	Bldg.-II		Sanjeev Sagar 9811016162		No record is available with the Registry





38	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati, Petitioner Connected Matter)	Farm No. 1, Oak Drive, Central Lane DLF Farms, Chattarpur, New Delhi	Bldg.-II		Alok Kumar		No record is available with the Registry
39	WP /2024	Rahul Kumar Vs. MCD & Others	House No. 1093, Ward No. 1, Between Gali No. 2 and 3 Church Colony Market, Mehrauli, New Delhi	Bldg.-II		Alok Kumar		No record is available with the Registry
40	WP /2024	Rahul Kumar Vs. MCD & Others	House No. 537, Ward No. 5, Near Bangla Chowk, Mehrauli, New Delhi	Bldg.-II		Alok Kumar		No record is available with the Registry
41	WP /2024	Rahul Kumar Vs. MCD & Others (Sandeep Prajapati)	Farm No. 1, Oak Drive, Central Lane DLF Farms, Chattarpur, New Delhi	Bldg.-II		Ajjay Arorra		No record is available with the Registry
42	WP /2024	Rahul Kumar Vs. MCD & Others Sandeep Prajapati	Farm No. 1, Oak Drive, Central Lane DLF Farms, Chattarpur, New Delhi	Bldg.-II		Sanjeev Sagar 9811016162		No record is available with the Registry

8. It is also revealed that in the matters which were listed before the Court, the petitioner or his counsel did not appear on several dates in most of the matters and some of these matters were disposed of either on the report submitted by MCD or directions were issued to approach the Special Task Force (STF). One matter was dismissed in default and for non-prosecution.

9. The petitioner has submitted a list of following thirty three (33) cases by e-mail dated 18<sup>th</sup> July, 2024 which have been filed by him over a period of time:-



- 1) WP.(C)7955/2016
- 2) WP.(C)3500/2016
- 3) WP.(C)2449/2016
- 4) WP.(C)7385/2017
- 5) WP.(C)3195/2017
- 6) WP.(C)11612/2017
- 7) WP.(C)8346/2018
- 8) WP.(C)7962/2018
- 9) WP.(C)7961/2018
- 10) WP.(C)5043/2018
- 11) WP.(C)3057/2018
- 12) WP.(C)1187/2018
- 13) WP.(C)15252/2022
- 14) WP.(C)15253/2022
- 15) WP.(C)11211/2022
- 16) WP.(C)11036/2022
- 17) WP.(C)4593/2023
- 18) WP.(C)4679/2023
- 19) WP.(C)6138/2023
- 20) WP.(C)6177/2023
- 21) WP.(C)6247/2023
- 22) WP.(C)6311/2023
- 23) WP.(C)9012/2023
- 24) WP.(C)12203/2023
- 25) WP.(C)12204/2023
- 26) WP.(C)8770/2024



- 27) WP.(C)Diary No. 33679/2016  
28) WP.(C)Diary No. 173610/2018  
29) WP.(C)Diary No. 118824/2018  
30) WP.(C)Diary No. 1755375/2024  
31) WP.(C)Diary No. 1604317/2024  
32) WP.(C)Diary No. 1604316/2024  
33) WP.(C)Diary No. 1604315/2024

10. Out of the said list, matters at serial nos. 13 to 26 are already mentioned in the chart reproduced above. The Registry has given a report in respect of matters at serial nos. 1 to 12 which also reveals that most of the cases were either dismissed in default or were disposed of with a direction to the petitioner to approach the appropriate Committee. The chart furnished by the Registry in respect of matters mentioned at serial numbers 1 to 12 is reproduced herein below:-

ADDITIONAL LIST OF CASES FILED BY PETITIONER SH. RAHUL KUMAR SUBMITTED BY HIM VIDE MAIL DATED 18.07.2024									
Sr. No.	WP	Case Title	Property Details	Department	Name of Counsel of Petitioner	Name of Counsel of MCD	Date of Filing of WP	Dates when none appeared for Petitioner/ Adjournment sought	Whether WP is pending/If yes NDOH/ Whether WP is disposed of / If yes date of disposal
1	WP 7955/2016	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Sh. Rahul Yadav	Pooja Kalra	06.09.2016	09.09.2016	Dismissed in Default on 09.09.2016
2	WP 3500/2016	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumari	Mukesh Gupta	25.04.2016		Dismissed on 02.05.2016
3	WP 2449/2016	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumari	Manorma Masih	17.03.2016		Disposed on 21.03.2016 on statement that SDMC would look into the matter
4	WP 7385/2017	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Vivek Kumar Srivastava	Surendra Kumar Sharma	22.08.2017	06.08.2018	Dismissed on 06.08.2018 in default for non-prosecution



5	WP 3195/2017	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Rahul Yadav	G.D. Mishra	11.04.2017	19.04.2017 & 28.04.2017	Dismissed on 28.04.2017 for default of appearance
6	WP 11612/2017	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Vivek Kumar Srivastava	Surendra Kumar Sharma		06.08.2018	Dismissed on 06.08.2018 in default for non-prosecution
7	WP 8346/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumari	Gyanendra Kumar	06.08.2018		Dismissed on 10.08.2018 as Writ Petition was vague in nature.
8	WP 7962/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumar	Dhanesh Relan	27.07.2018	20.11.2018, 05.12.2018	Disposed of on 05.12.2018 with liberty to petitioner to file a complaint before the appropriate committee.
9	WP 7961/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumar	Dhanesh Relan	27.07.2018	20.11.2018, 05.12.2018	Disposed of on 05.12.2018 with liberty to petitioner to file a complaint before the appropriate committee.
10	WP 5043/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jyoti Kumar	Dhanesh Relan	08.05.2018	12.11.2018	Disposed of on 12.11.2018 with liberty to petitioner to file a complaint before the appropriate committee.
11	WP 3057/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Jaipal /Vijayalaxmi Jha	Surendra Kumar Sharma	19.03.2018		Disposed of on 05.12.2018 with liberty to petitioner to file a complaint before the appropriate committee.
12	WP 1187/2018	Rahul Kumar Vs. SDMC & Others	N.A.	N.A.	Rahul Yadav	Rakesh Kumar Dudeja	02.02.2018	09.2.2018	Disposed of on 09.02.2018 with direction to respondent to physically inspect the property.

11. The petitioner in the said list has also furnished details of seven matters (from serial nos. 27 to 33) which have not been listed.

12. Out of these seven (7) matters, items at serial nos. 30 to 33 (bearing diary No.W.P(C) Diary No.1755375/2024, W.P(C) Diary No.1604317/2024,



W.P(C) Diary No.1604316/2024 and W.P(C) Diary No.1604315/2024) are those about which the Registry has reported that they are lying in objection.

13. As regards the matters at serial numbers 27 to 29 (bearing diary No. W.P(C) Diary No.33679/2016, W.P(C) Diary No.173610/2018 and W.P(C) Diary No.118824/2018) the Registry has reported that the said matters were returned on account of objections and have not been re-filed.

14. The petitioner has been filing writ petitions pertaining to individual properties in the same locality instead of bunching them and claiming that he has no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person/ institution/ body and there is no other motive than public interest.

15. Despite that, in most of the matters, the petitioner or his counsel failed to appear during the hearings or the petitioner failed to get most of the matters listed after serving the advance notice of the petition on the MCD and/ or the private respondents.

16. In these circumstances, the apprehensions raised by the learned counsel for the respondent/ MCD cannot be overlooked. To rule out any apprehension, this Court deems it appropriate to direct a proper inquiry to be conducted in the matter. Accordingly, CBI is directed to conduct a preliminary enquiry to ascertain whether any cognizable offence has been committed and if so, by whom. The CBI is directed to submit the report of preliminary enquiry on or before the next date of hearing.

17. The petitioner is also directed to cooperate with the CBI in the matter.



2024 :DHC :5528-DB



18. A copy of the order be sent to the Director, CBI for compliance.
19. List on 04<sup>th</sup> September, 2024.

**ACTING CHIEF JUSTICE**

**TUSHAR RAO GEDELA, J**

**JULY 22, 2024**

*N.Khanna*