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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CONT.CAS(C) 647/2017 & CM APPL. 7199/2018, CM APPL.  
26288/2018

SURYA PRAKSH TAYGI .....Petitioner  
Through: Ms.Aayushi Jain, Advocate.

versus

ANIL BAIJAL LT GOVENER & ORS .....Respondents  
Through: Mr.Udit Malik, ASC with  
Mr.Vishal Chanda, Advocate  
for R-3,4,5,6,7,8  
Mr.Shashi Gupta and Mr.Arnab  
Gupta, Advocates for  
Mr.Mukesh Gupta, SC for  
MCD.

**CORAM:**  
**HON'BLE MR. JUSTICE DHARMESH SHARMA**

% **ORDER**  
**28.08.2024**

1. The petitioner is seeking initiation of contempt proceedings against the respondents for alleged wilful disobedience of directions contained in the order dated 06.05.2009 passed in public interest litigation bearing WP(C) No.7501/2007.
2. Learned counsel for the respondents/MCD and Delhi Police are present on advance notice.
3. Having heard learned counsel for the petitioner and on perusal of the record, it appears that the petitioner instituted the aforesaid writ claiming that the subject lands were agricultural lands and vested in Gaon Sabha but the same were alleged to have been wrongly recorded



in the name of respondent No.9, who had transferred the lands to various persons. He also alleged that the respondent/authorities permitted illegal occupation and unauthorised construction on Gaon Sabha in Village Jharoda Majra, Burari, Delhi.

4. Upon hearing the parties, the Division Bench of this Court passed the following directions :

8. In view of what has been stated hereinabove, we are of the view that the present petition is not a genuine public interest litigation but is a mala fide petition. Further the petitioner has not disclosed full and complete facts to the Court and has withheld and suppressed material facts from this Court.

9. In **Neetu v. State of Punjab** (2007) 1 SCC 614 it was held by the Supreme Court that when a particular person is the object and target of a petition styled as PIL, the Court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object. In **Ashok Kumar Pandey v. State of West Bengal** (2004) 3 SCC 349 the Supreme Court held that public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. Courts must be careful to see that a body of persons or member of public, who approaches the Court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Petitions of such persons deserves to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs. Further, in **T.N.Godavarman Thirumulpad v. Union of india** (2006) 5 SCC 28 Supreme Court quoted from its earlier judgment in **Dattaraj Nathuji Thaware v. State of Maharashtra** (2005) 1 SCC 590 wherein the Court held that the attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not be publicity oriented or founded on personal vendetta.

10. The present petition styled as a "Public Interest Petition" is clearly an abuse of process of the court for the reasons stated herein above. The petitioner is also guilty of making false averments and allegations in the writ petition. The petitioner has clearly not approached this Court with clean hands and has not



stated the correct facts. The petitioner is clearly guilty of deliberately making false and wrong averments in the writ petition and is not entitled to any relief from this Court. The conduct of the petitioner in resorting to the aforesaid mis-statements, false averments and suppression of material facts is a gross abuse of the process of court. A person who makes false averment and does not come to the court with clean hands is liable to be thrown out at the threshold and appropriate action initiated against him in accordance with law. The present petition is clearly motivated by private malice and vested interest.

The writ petition is liable to be rejected at the threshold with exemplary costs.

11. The petitioner has withheld material facts with regard to the inter se litigation between his family pertaining to the land in question in the writ petition. The petitioner clearly had an ulterior motive behind filing the present writ petition as explained by the impleaded respondents in their applications. It has been stated by the impleaded respondents that they are residents of Colony Hardev Nagar, Jharoda Majra Burari, Delhi- 110084 which is not provisionally granted a regularization certificate by the Government of Delhi as the process of regularization of the unauthorized colonies in Delhi is under way. Needless to say, that the outcome of any proceedings for regularization would be decided by the concerned authorities in accordance with law. It would be open to the impleaded respondents to file undertakings before the concerned authorities stating therein that no further construction, contrary to law, would be carried out and on their doing so, it would be open to the authorities to consider and decide in accordance with law whether the properties can be de-sealed in view of the said undertakings.

12. During the pendency of this writ petition, several orders had been passed by us directing that no unauthorized construction and encroachments should take place. We had also recorded that the land in question also vests with the "Gaon Sabha" and directions had been issued to the revenue authorities to take steps to prevent encroachments and unauthorized construction. The revenue authorities were directed to seal all properties where unauthorized construction was going on and or had been in progress, in respect of land measuring 13 Bighas 19 Biswas in Khasra Nos. 22/16/2 and 22/17, 22/18, 22/19/1, 22/22/1, 22/23 and 22/24 in village Jharoda Majra Burari, Delhi- 110084, which were also recorded in the name of M/s Supreme Commercial Enterprises Ltd. and now vests with the "Gaon Sabha". Any application for de-sealing of the premises would be considered and decided by the concerned authorities in accordance with law. Needless to say, that the



concerned authorities shall ensure that no unauthorized construction or encroachment on the land in question takes place.

13. The writ petition is accordingly disposed of in the above stated terms. However, this is a case where the writ petition was filed for oblique consideration and the petitioner had not approached the Court with clean hands and had withheld material facts from the Court. The petitioner is clearly guilty of suppression of material facts and making false averments. In view of the same, we deem it fit and proper to impose costs of Rs. 50,000/- on the petitioner to be paid within a period of two weeks from today. All the pending applications stand disposed of as well.

5. In view of the fact that the petitioner invoked public interest litigation for ulterior motives and he has not even cared to make payment of cost of Rs.50,000/- which was imposed upon him, the present Contempt Petition is dismissed.

6. Let the matter be placed before the Joint Registrar (Judicial) on 09.10.2024 with direction to issue notice to the petitioner through SHO concerned for depositing the costs, failing which the matter be placed before this Court for further directions on 08.01.2025.

**DHARMESH SHARMA, J.**

**AUGUST 28, 2024/VLD**