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

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Date of Decision: 16.09.2026# **CNR No. DLHC010437782026**+ **W.P.(C) 13482/2026 & CM APPL. 62898/2026****BHUMI CHHATAR SINGH RACHHOYA**PetitionerThrough: **Mr. Sarthak Gupta & Mr. Arun
Tiwari, Advocates.**

versus

GOVERNMENT OF NCT OF DELHI AND ORSRespondentsThrough: **Mr. Sameer Vashisht, Standing
Counsel (Civil) with Ms. Harshita
Nathrani, Advocate for Respondent
Nos.1 to 3.****Mr. Kapil Dutta, Standing Counsel
for Respondent No.4/MCD.****Mr. Akash Vajpai, CGSC with Mr.
Vanshul Pali, G.P. for Respondent
No.5.****CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****DEVENDRA KUMAR UPADHYAYA, CJ (Oral)**

1. Heard Mr. Sarthak Gupta, learned Counsel for the Petitioner, Mr. Sameer Vashisht, learned Standing Counsel (Civil) representing Respondent Nos. 1 to 3- Government of NCT of Delhi (“GNCTD”), Mr. Kapil Dutta, learned Standing Counsel for Respondent No. 4- Municipal Corporation of Delhi (“MCD”) and Mr. Akash Vajpai, learned CGSC for Respondent No. 5- Station House Officer.



2. The instant Petition under Article 226 of the Constitution of India, 1950 ostensibly in public interest has been filed with the following prayers:

“a) Issue an appropriate Writ, Order or Direction, more particularly a Writ of Mandamus, directing the Directorate of Education, Government of NCT of Delhi, to forthwith undertake an independent statutory review of the recognition and continued operation of Respondent No. 6 School by examining its compliance with the provisions of the Delhi School Education Act, 1973, the Delhi School Education Rules, 1973, the Delhi Development Act, 1957, the Master Plan for Delhi, the Government and all other applicable statutory provisions.

b) Issue an appropriate Writ, Order or Direction directing the Directorate of Education to pass a reasoned and speaking order, within a time-bound 40 period, on the question of continuation, suspension or withdrawal of the recognition of Respondent No. 6 School after considering all relevant Government records, RTI disclosures, Town Planning records, Municipal Corporation records, proceedings before the Central Information Commission and the Public Grievances Commission, and after granting an opportunity of hearing to all concerned parties.”

3. The prayer for reviewing the recognition and operation of Respondent No. 6- School has been sought on the ground that Respondent No. 6- School has been constructed on land which falls in an industrial area, where construction of a school building is not permissible and, therefore, recognition granted to Respondent No. 6- School by the Education Department of GNCTD is illegal.

4. On a specific query made by the Court, learned Counsel for the Petitioner has stated that the only ground for asserting that the recognition granted to Respondent No. 6- School is illegal is that the school building has been constructed in an industrial area and, therefore, the recognition granted by the Education Department of GNCTD in ignorance of this fact is unlawful.



5. Learned Counsel representing GNCTD and MCD have brought to our notice that earlier the Petitioner had instituted W.P.(C) 7544/2025 with the prayer that the respondents in W.P.(C) 7544/2025 be directed to ban the running of Respondent No. 6- School in an industrial area, which is unauthorized, illegal and unlawful. The other prayer made in W.P.(C) 7544/2025 was that a direction be issued restraining the respondents from running Respondent No. 6- School, apart from making a general prayer that appropriate order / relief be granted which may be thought fit and proper. The prayer clause in W.P.(C) 7544/2025 is extracted hereinbelow:

“a. Issue writ order/ direction under article 226 of the Constitution of India in the nature of mandamus against the respondents to ban the running of the school in the industrial area which is unauthorized, illegal and unlawful who violates manufacturing standards and demolish the building constructed in illegally and unauthorizedly without having any permission or sanction plans.

b. Issue writ order/direction under article 226 of the constitution of India in the nature of prohibition and thereby to restrain the respondents from running school in the above circumstances by way of violating the norms/rules regulations of the laws of land

c. Pass any other or further order/relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case, may also be passed in favour of the Petitioner and against the Rospondonts, in the interest of justice.”

6. W.P.(C) 7544/2025 was dismissed as withdrawn with the liberty to the Petitioner to institute a fresh petition as and when any fresh cause of action arises. The order dated 02.07.2026 passed by this Court in W.P.(C) 7544/2025 is extracted hereinbelow:

“1. Heard the learned counsel for the parties.

2. In view of the fact that the demolition orders have been passed by the competent authority of the MCD, which have been challenged in



an appeal before the Appellate Tribunal MCD, learned counsel for the petitioner submits that he may be permitted to withdraw the instant writ petition with the liberty to institute a fresh petition as and when any fresh cause of action arises.

3. Accordingly, the writ petition along with pending application is dismissed as withdrawn with the liberty as prayed for.

4. The date already fixed, i.e. 24.07.2026, stands cancelled.”

7. Learned Counsel for the MCD has further informed that the order of demolition and rejection of prayer for regularization of construction has been challenged by Respondent No. 6- School by filing an appeal before Appellate Tribunal- Municipal Corporation of Delhi (“**ATMCD**”) which is still pending and in the said proceedings, the ATMCD has granted stay on demolition.

8. We have further been informed that in the appellate proceedings pending before the ATMCD, an application has been moved by the Petitioner seeking his impleadment.

9. What we notice is that the prayer clause of the instant Writ Petition is similar to the prayers made in W.P.(C) 7544/2025. In the wake of the admission made by learned Counsel for the Petitioner that the only ground for seeking review of recognition granted by the Education Department of GNCTD to run Respondent No. 6- School is that the said school has been constructed in an industrial area which is not permissible. W.P.(C) 7544/2025 was permitted to be withdrawn by this Court *vide* order dated 02.07.2026 noticing the fact that the demolition order passed by the competent authority of MCD had been challenged in an appeal before ATMCD. In the wake of the said factum relating to pendency of the appeal before ATMCD, the Petitioner was permitted to withdraw W.P.(C)



7544/2025 with the liberty to institute a fresh petition as and when any fresh cause of action arose.

10. As already noticed above, we have been informed by learned Counsel for MCD that the said appeal is still pending and has not been decided yet, and is next listed on 01.10.2026, where an interim order is also operating against the order of demolition.

11. The situation, thus, which prevailed on 02.07.2026 has not undergone any change so as to give any fresh cause of action to the Petitioner to institute the proceedings of the instant Writ Petition.

12. The Writ Petition, thus, in our opinion, is a clear abuse of the process of law and Court.

13. Accordingly, the Petition is, thus, dismissed with a cost of ₹5,000/- to be paid by the Petitioner to the Delhi High Court Bar Clerks' Association (A/c No.15530100006282, IFSC Code: UCBA0001553).

14. The cost as directed above shall be paid by the Petitioner within a period of one month, failing which the Registry shall take appropriate steps to recover the same as arrears of land revenue. Pending Application also stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

SEPTEMBER 16, 2026/ 'A'