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

% **Date of Decision: 20.08.2026**

CNR No. DLHC010364222026

+ **LPA 624/2026**

GAURAV RAMPAL

.....Appellant

Through: Appellant-in-person.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR Respondents

Through: Ms. Mrinalini Sen, Standing Counsel
with Ms. Gauri Rajput, Ms. Aditi
Saxena, Advocates for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

CM APPL. 52362/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The present *intra-court* Appeal has been preferred against the order dated 08.07.2026 ("**Impugned Order**") passed by learned Single Judge in W.P.(C) 8924/2026 ("**Writ Petition**"), whereby the Writ Petition filed by the Appellant was disposed of with the following direction:

"14. ... the respondent No. 1 shall provide copy of the sanctioned building plan and particulars related to the common areas to the petitioner in accordance with extant rules and regulations of respondent No. 1 within 4 weeks from today."

4. Respondent No. 1 / Delhi Development Authority ("**DDA**") allotted Car Parking Space No. P-508 ("**CPS**") along with Flat No. E9-01, Sector E1,



Vasant Kunj, New Delhi (“**Flat**”), as an open and unenclosed car parking space. The Appellant sought approval from the DDA on 22.02.2022 to alter the CPS and, in April 2022, erected a tin shed enclosing it (“**Structure**”). On 01.05.2022, the Appellant issued a notice to the DDA invoking Clause 2.19 of the Unified Building Bye-Laws for Delhi, 2016 (“**UBBL**”), claiming that the alteration stood “*deemed approved*”.

5. Respondent No. 2 / Executive Engineer (SPD-4), DDA (“**Executive Engineer**”) issued a notice dated 01.08.2024 (“**Notice-1**”) directing removal of the Structure as an illegal and unauthorised construction, and the same was demolished on 07.08.2024 by the Executive Engineer.

6. On 14.06.2026, the Appellant erected a 31 mm thick partition wall of approximately 2.6 metres in height (“**Board Wall**”), between the entrance doors of the Flat and the neighbouring Flat No. E9-02. The Executive Engineer issued another notice dated 23.06.2026 (“**Notice-2**”) treating it as an unauthorised construction on a common area, and removed the Board Wall on 26.06.2026.

7. The Appellant then filed the Writ Petition, which was disposed of by the Impugned Order, directing the DDA to furnish the sanctioned building plan and particulars of common areas, as per its rules, within four weeks.

8. The Appellant’s applications for clarification and modification, CM APPL. 48327/2026 and CM APPL. 48330/2026, were dismissed on 28.07.2026 (“**Clarification Order**”). Aggrieved by the Impugned Order and the Clarification Order, the Appellant filed the present Appeal.

9. The Appellant, appearing in person, submitted that the Respondents had failed to disclose any statutory provision, notification, or other legal instrument conferring authority upon the Executive Engineer to issue Notice-1 or Notice-2, or to undertake demolition pursuant thereto.



10. The Appellant-in-person further submitted that the power to take action in respect of unauthorised construction is vested, under Sections 343 to 345A of the Delhi Municipal Corporation Act, 1957 (“**MCD Act**”), in the Commissioner, Municipal Corporation of Delhi (“**MCD**”), and that such jurisdiction could neither be assumed by an Executive Engineer nor be conferred upon him on the basis of a complaint made by a third party.

11. It was also submitted by the Appellant-in-person that the direction issued by learned Single Judge in the Impugned Order had not been complied with by the DDA, inasmuch as the sanctioned building plan and the particulars relating to the common areas and limited common areas had not been furnished to the Appellant.

12. The Appellant-in-person submitted that the alteration of the CPS stood deemed approved by operation of law in terms of Clause 2.19 of the UBBL, which provides that where a notice is given to the sanctioning authority and such authority fails to communicate either sanction or refusal within the prescribed period, the proposal is deemed to have been sanctioned. It was further submitted that, since no response was received by the Appellant pursuant to his notice dated 01.05.2022 addressed to the DDA within the prescribed period, the proposal stood “*deemed approved*”, and the Structure raised at the CPS could not be treated as an unauthorised construction.

13. The Appellant-in-person further submitted that Clause 1.4.80 of the UBBL defines “*Parking Space*” as “*an area enclosed or unenclosed, covered or open, sufficient in size to park vehicles*”. It was contended that the said definition expressly includes spaces which may be enclosed and covered. Accordingly, the alteration of the CPS from an open and unenclosed space to a covered and enclosed space did not alter its essential character, as it continued to be, and was used as, a car parking space. The Appellant-in-



person, therefore, submitted that learned Single Judge erred in holding that the enclosure of the space amounted to converting it into a garage.

14. Learned Standing Counsel for the DDA submitted that the E1 Housing Pocket, Vasant Kunj, including the common areas therein, has not been handed over to the MCD and that the land continues to vest in the DDA. Consequently, the maintenance and protection of the said areas continue to remain the responsibility of the DDA, and it was in that capacity that Notice-1 and Notice-2 were issued by the Executive Engineer. It was further submitted that the Appellant's reliance upon the provisions of the MCD Act, which govern areas falling within the jurisdiction of the MCD, was, therefore, misplaced.

15. Learned Standing Counsel for the DDA submitted that the Appellant had been allotted an open and unenclosed parking space forming part of the common open area of the pocket, and not a garage. It was further submitted that, without any sanction having been granted on his letter dated 22.02.2022, the Appellant proceeded to erect a roofed tin shed fitted with a door, thereby unilaterally converting the open parking space into a garage for his exclusive use and appropriating to himself a portion of the common area to the exclusion of the other residents of the pocket.

16. It was submitted that the issuance of Notice-1 and Notice-2 by the Executive Engineer, and the consequential demolition, were not arbitrary. Complaints had been received from the Appellant's neighbours as well as from the Resident Welfare Association, who were adversely affected by the encroachment upon the common area. In any event, Notice-1 and Notice-2 preceded the impugned action and called upon the Appellant to remove the offending structures; it was only upon his failure to comply that the DDA proceeded to remove the same.



17. With respect to the Board Wall, it was submitted that the Appeal itself proceeds on the premise that the gap between the two structural stacks is an expansion joint, provided to accommodate thermal movement and structural expansion. Such a joint must necessarily remain unobstructed, and the Appellant, on his own showing, cannot be permitted to raise a wall at that location. It was further submitted that, in any event, the area situated between the entrance doors of the Flat and Flat No. E9-02 constitutes a common area and could not have been appropriated by the Appellant.

18. We have heard the Appellant-in-person as well as learned Standing Counsel appearing for the Respondents and have carefully perused the material placed on record.

19. The Appeal raises two issues: (i) whether the Appellant could enclose an open and unenclosed car parking space allotted to him; and (ii) whether the DDA was competent to remove unauthorised construction in the E1 Housing Pocket, Vasant Kunj.

20. On the first issue, the Appellant was allotted an open and unenclosed car parking space. He admittedly enclosed it entirely by erecting the Structure. Such enclosure converted the allotted space into a garage, which was impermissible. Only a space enclosed and allotted as such by the competent authority can be treated as an enclosed parking space.

21. The Appellant's reliance on Clause 1.4.80 of the UBBL is misplaced. While the clause recognises both enclosed and unenclosed parking spaces, it does not permit an allottee to unilaterally alter the nature of the space allotted, as allotment was of an open and unenclosed parking space forming part of the common open area.

22. The plea of "*deemed approval*" under Clause 2.19 of the UBBL is also untenable. Deemed approval cannot authorise an act which could not lawfully



have been sanctioned, nor confer a right to enclose a space allotted as open and unenclosed.

23. On the second issue, we find no infirmity in learned Single Judge's view that the DDA was competent to act. The common areas of the pocket have not been handed over to the MCD and remain under the DDA's control. Reliance on Sections 343 to 345A of the MCD Act is therefore misconceived.

24. Non-compliance with the direction in the Impugned Order is not a ground to interfere in this Appeal. Since the direction was issued in the Appellant's favour, his remedy lies in seeking its enforcement, not in challenging the order itself.

25. The challenge relating to the Board Wall is equally untenable. The Appeal itself states that the gap between the two stacks is a structural expansion joint, which must remain unobstructed. The Appellant could not, therefore, construct a wall at that location. In any event, the area between the entrance doors of the Flat and Flat No. E9-02 is a common area and could not have been appropriated by the Appellant.

26. For these reasons, we find no ground to interfere with the Impugned Order dated 08.07.2026. The Appeal is hereby dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 20, 2026

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