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

CNR No. DLHC010388252026

+ **W.P.(C) 12050/2026 with CM APPL. 55929/2026**

**MR NITESH RANA THROUGH ADITYA
NARAYAN**

.....Petitioner

Through: Mr. Nitesh Rana, Senior Advocate,
petitioner in person with Mr. Aditya
Narayan, POA Holder along with
Mr. Yogesh Pachauri, Mr. Zainab
Khan, Mr. Suyah Pandey and
Ms. Aditi Singh, Advocates

versus

MCD AND ORS

.....Respondents

Through: Mr. Tushar Parashar, Advocate for
R-1/MCD
Ms. Nitika Bhutani, Advocate for R-2
and R-5/GNCTD (*Through VC*)
Ms. Deeksha L. Kakar, Ms. Sana
Parveen and Mr. Sukhamrit Singh,
Advocates for DDA
Mr. Ajjay Aroraa, Senior Advocate
with Mr. Vansh Luthra, Advocate for
Owner/Occupier

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
25.08.2026

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1. The present writ petition has been filed seeking the following reliefs:-



1. Issue a writ of Mandamus or any other appropriate writ directing Respondent No.1 to 5 to demolish the Unauthorized structure by Respondent No.6 at B-43, Greater Kailash-I, South Delhi, New Delhi – 110048.
 2. Direct Respondent No.1, 2,3 and 4 to take immediate action and ensure no such unauthorized activity is allowed in future.
 3. Direct Respondent No.5 to submit detailed status report for Complaint dated 19 January 2023.
 4. Direct the Commissioner of police (Respondent No.2) to provide adequate police assistance during any demolition, removal, or sealing Activity undertaken by the Authorities.
2. The petitioner is the owner of the premises B-45, Greater Kailash-I, South Delhi, New Delhi, which is right next to the subject property.
3. The grievance of the petitioner is that the construction is being raised in the subject property in violation of the mandatory setback/open-space requirements prescribed under the Unified Building Bye-Laws for Delhi, 2016. It is stated that the setbacks in the subject property which is adjoining to the petitioner's property are less than the prescribed statutory norms and would affect the petitioner's right to enjoy this property.
4. Notice in the petition was issued on 20th August, 2026.
5. Status report has been filed on behalf of the respondent no.1/MCD and a copy has been handed over in Court.
6. The same is taken on record.
7. A copy has also been handed over to the petitioner appearing in person.
8. As per the status report, in terms of the revised sanctioned plan dated 7th August, 2026, the following setbacks are permissible in the subject property:-



S. No.	Setback/Open area	Sanctioned	Existing
1	Front setback	4.17 m	4.17 m
2	Right side setback	3.05 m	4.38 m
3	Rear setback	4.60 m	6.40 m
4	Left side open	1.16 m	1.16 m

9. It is stated that the aforesaid setbacks are in terms of provisions of MPD-2021. The status report further submits that at present the construction in the subject property at plinth level and setbacks are maintained accordance with sanctioned building plan.

10. The petitioner appearing in person states that the setbacks granted under the revised sanctioned plan are in violation of Unified Building Bye-Laws as well as provisions of MPD-2021 and he alleges *mala fide* on the part of MCD in granting the revised sanctioned plan. He submits that in terms of the old sanctioned plan, the permissible setback limit was three (3) meters.

11. In these circumstances, the petitioner seeks to withdraw the present writ petition in order to challenge the revised sanctioned plan in accordance with law by filing an appeal before the ATMCD and with liberty to raise all the issues before ATMCD.

12. Accordingly, the present writ petition is dismissed as withdrawn with the aforesaid liberty.

13. The construction being carried out by the respondents shall be carried out at their own risk and peril.

14. It is made clear that this Court had not made any observations with regard to merits of the case.



15. Pending application stands disposed of.

AUGUST 25, 2026/ds

AMIT BANSAL, J