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

CNR No. DLHC010880132025

+ **W.P.(C) 17045/2025 with CM APPL. 70128/2025, CM APPL. 6619/2026 and CM APPL. 15535/2026**

S ARUNACHALAM & ANR.

.....Petitioners

Through: Mr. Madhav Bhatia, Ms. Muskan Aggarwal and Ms. Medhavi Bhatia, Advocates along with petitioner No.1 in person.

versus

**MUNICIPAL CORPORATION OF DELHI
MCD & ORS.**

.....Respondents

Through: Ms. Pooja Tandon, Advocate for R-1.
Mr. Vaibhav Verma and Mr. Abhishek Negi, Advocates for R-2 and R-4.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
21.08.2026**

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

“a) Issue a suitable writ/order/direction directing Respondent No. 1 to include the Petitioner No. 2 as a Proposing (Primary) Member in NOC dated 31.07.2025 for the installation of proposed lift and Connecting bridge in DDA Flats No. 1042 to 1049, Sector A, Pocket A, Vasant Kunj, New Delhi – 110070 issued under the Lift Policy;

b) Issue a suitable writ/order/direction directing Respondent No. 1 and Respondent No. 5 to immediately remove the illegal gate and unauthorized obstruction in the common passage on the third (top) floor between Flat Nos. 1049 and 1048 in Sector A, Pocket A, Vasant Kunj, New Delhi – 110070 so as to ensure the access of the Petitioners to the proposed lift; and/or



c) Pass any such other order/s as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case."

2. Notice in the present petition was issued *vide* order dated 11th November 2025, on which date the petitioners were given the liberty to approach the respondent no.3, in order to share the cost for the installation of the proposed lift. It was also clarified that the installation of the lift can proceed in terms of the No Objection Certificate ("NOC") dated 31st July, 2025, granted by the MCD.

3. *Vide* order dated 30th January 2026, the respondent no.3's submission was recorded to the extent that unauthorised construction has been removed on the third floor by the respondent no.5 and MCD was directed to ensure that there is no unauthorised encroachment so that there is no impediment in constructing the connecting bridge.

4. In the counter affidavit filed on behalf of the respondent no.4, it is stated that prayer (a) has become infructuous as the petitioner no.2 has been included as a proposing member in the revised NOC dated 27th May 2026, issued by the respondent no.1/MCD which expressly supersedes the earlier NOC dated 31st July 2025. A copy of the NOC dated 27th May 2026 has been attached along with the affidavit.

5. In the counter affidavit filed on behalf of the respondent no.5, it is stated that unauthorised construction has been removed and there is no encroachment in the entire area between *Flat Nos.1048 and 1049*. It is further stated that the proposed lift is accessible to all the residents, including the petitioners. The relevant extracts are set out below:



3. That it is submitted that the owner of Flat No. 1049 has already filed an affidavit before Respondent No. 1 (MCD), wherein it has been categorically stated that:
 - a. the entire area between Flat No. 1048 and Flat No. 1049 has been opened in January, 2026;
 - b. there is no encroachment upon the common area;
 - c. the proposed lift is fully accessible to all residents, including the Petitioners;
 4. That it is further submitted that the officials of Respondent No. 1 have inspected the site and have found that the area has been opened up and lift is accessible to all residents. A copy of Status report filed by Respondent No. 1 is annexed herewith as **Annexure R-5/1**.
 5. That in view of the above, it is evident that the alleged obstruction has been removed and all residents have the access to the lift. Therefore, no subsisting grievance survives against the Respondent No. 5. Only on this ground alone, the present petition is liable to be dismissed against the Respondent No. 5 as no cause of action survives.
6. In the status report filed on behalf of MCD, it is stated that the third floor of the subject property was inspected by MCD and upon inspection, it was found that the unauthorised encroachment on the third floor has been removed by the owner/occupier. Paragraph 8 of the status report is set out below:
- “8. That furthermore, so as to ascertain the status of unauthorized encroachment on the Third floor of the subject property, the has also been inspected through area filed staff of Building Department - II of South Zone - MCD and on inspection it has been noticed that the alleged unauthorized construction has already been removed by the owner I occupier himself. The photographs as taken during said inspection are annexed herewith as Annexure - D {Colly).”*
7. Accordingly, prayer (b) stands satisfied.



8. In light of the aforesaid, the present writ petition stands disposed of while directing that the common area between *Flat Nos. 1048 and 1049* shall not be encroached upon again.
9. In the event the petitioner has any further grievance with respect to the unauthorised encroachment, he shall be at liberty to approach this Court.
10. All rights, contentions and legal remedies of the owner/occupier/private respondents shall remain protected.
11. Pending applications stand disposed of.

AMIT BANSAL, J

AUGUST 21, 2026

Vivek/-