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

+ W.P.(C) 9965/2021, CM APPL. 30731/2021, CM APPL.  
15382/2022 & CM APPL. 19579/2022  
J.P SHARMA .....Petitioner

Through: Petitioner in person.

versus

STATE BANK OF INDIA & ORS. ....Respondents

Through: Mr. Rajiv Kapur, SC with Mr.  
Akshit Kapur and Ms. Riya Sood,  
Advocates for SBI.  
Ms. Deeksha L. Kakar, ASC and  
Ms. Kanika Singh, ASC for DDA.

**CORAM:**  
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**  
**15.10.2024**

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1. The petitioner, who is a retired officer of State Bank of India ["SBI"], has filed this petition under Article 226 of the Constitution for the following relief:

*"a) issue a Writ, Order or Directions in the nature of mandamus directing, commanding and requiring Direct the Respondent No. 1, the State Bank of India to identify the Officers who gave permission for unauthorized construction in the specified parking area and spent crores of Public Fund and take strict action against them and also recover the spent Public funds from them and also remove the unauthorized constructions as stated in the writ Petition ;*

*b) direct NDMC the Respondent No. 2 to immediately remove/ demolish the Unauthorised construction done by the State Bank of India of Cabins and Porta Cabins in the specified Car Parking area at the Ground floor and Parking area at underground below the 13<sup>th</sup> floor Building of SBI situated at 11, Sansad Marg, New Delhi and also*



*direct the NDMC to take strict action against the erring concerned officials of who failed to discharge their duties fairly and have allowed SBI the Unauthorised construction ; and*

*c) direct the Central Vigilance Commission, the Respondent No. 3 to register a case on the complaint of the petitioner and book and Punish the Guilty Officers of NDMC and SBI who are hands in gloves for corruption and misuse of Public Funds in the illegal activity of unauthorised construction at SBI, 11, Sansad Marg, New Delhi ; and*

*d) Pass any such order, further orders in the facts and circumstances of the case as this Hon'ble Court may deem just fit and proper and necessary in favour of the Petitioner.”*

2. It is the contention of the writ petitioner that he had attended the office of SBI at 11, Sansad Marg, New Delhi, for the purpose of visiting a medical dispensary located there, but was not permitted to enter the premises by the security guard, upon which he “*felt insulted and humiliated and deprived of the medical facility*”. The petitioner addressed a communication to the SBI, pursuant to which it is stated that he was called by Deputy General Manager and was assured that the respondent-bank would look into the matter.

3. The petitioner has thereafter filed this writ petition, contending that the parking area in the Ground Floor and Basement of the building have been converted into office spaces by construction of portacabins and offices, and that a mess has been created on the 14<sup>th</sup> Floor of the bank’s office.

4. While issuing notice on 13.09.2021, the contention of learned counsel for the respondent No. 1 was recorded that renovation work was being carried out earlier in the building, but temporary structures constructed for this purpose in the basement, had been removed.

5. The New Delhi Municipal Council [“NDMC”] has filed a status report, in which it is stated that an inspection has been carried out in the



Basement and Ground Floor of the premises, and compared with the completion plan approved on 25.08.1992 with corrections done on 24.01.2001, in respect of Basement and Ground Floor of the building. NDMC has thereafter stated as follows:

*“3. Upon inspection, it has been seen that porta cabin for security guards are provided at the Zonal Gate, in & out Gate at Sansad Marg and Rear Gate at Jai Singh Road of the said premises. The said porta cabins are less than 4.5 sqm each and are within the plot line. **Therefore, these porta cabins for security guards are permissible as per the provisions under Clause 2.0.1 (d) of UBBL-2016.***

*4. However, the following deviations/unauthorized construction with respect to the above said completion plan were noticed at the basement and ground floor of the bank premises:*

*A. Basement Floor:*

- i. Fire Man Office m.a. 15'-3" x 5'-9" found constructed in the parking area of the basement floor.*
- ii. Record room m.a. 59'-0" x 15'-0" found constructed in the parking area of basement floor.*

*B. Ground Floor:*

- i. Enclosures made up of glass/wooden partitions m.a. 2x18'-9" x 34'-0" found erected in the parking area of ground floor.*

*5. **The deviations/unauthorized constructions as stated in the preceding para herein above are very old, with it being very difficult to ascertain their exact vintage, and existing as compared with the last approved completion plan of the year 1992 with last corrections done in the year 2001. Furthermore, the said old and existing unauthorized construction are protected under various laws including the National Capital Territory of Delhi (Special Provisions) Act, 2011 extended upto December 2023.***

*6. **Thus, no ongoing/new construction was found during the inspections.***

[Emphasis supplied.]

6. Although the status report has been returned under objections, a copy of the same has been handed over in the Court and is taken on record.



7. While, SBI has opposed the locus of the petitioner to file the present writ petition in their counter affidavit, and contended that the petitioner is in the habit of making complaints against the bank and its officers, it has also addressed the question of illegal construction, stating that the portacabins provided for security guards are within the plot line and of a size permissible under the building bylaws. Out of the deviations or unauthorised constructions noticed by the NDMC in the status report, it is stated that the record room constructed in the parking area and the basement was a temporary structure, which has since been removed or demolished. Retrofitting work undertaken in the building in the year 2021 had led to certain temporary structure being constructed, which have all been removed. The remaining constructions are all stated to be old and existing constructions, protected under the National Capital Territory of Delhi (Special Provisions) Act, 2011. SBI has stated that no further work is being undertaken in the premises. Mr. Rajiv Kapur, learned counsel for the SBI, also states that no further construction will be carried out without due sanction.

8. A question was raised by the petitioner with regard to the authority of the deponent for filing of the counter affidavit on behalf of the SBI. In this connection, the respondent-bank has produced a gazette notification dated 27.03.1987 issued by the SBI Central Office, which authorised officers to exercise signing power as follows:

|                                                     |                                                                                                                                                          |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>"A. All Officers in the Grades of SMGS -- IV</i> | <i>To sign all documents, instruments, accounts, receipts, letter and advices, etc. connected with the current or authorised business of the Bank in</i> |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|



|                                                                                                                                                       |                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                       | <i>respect of all matters coming in discharge of functions of the posts held for the time being.</i>                                                                                                                                                     |
| <i>B. All Branch Managers/Managers of Divisions in the Grades of MMGSIII/MMGS-II/JMG-I</i>                                                            | <i>To sign all documents, instruments, accounts, receipts, letters and advices, etc., connected with the current or authorised business of the Bank in respect of all matters coming in discharge of functions of the posts held for the time being.</i> |
| <i>C. All Managers (Accounts)/Accountants, Heads of Cash Departments at branches [Managers (Cash), Dy. Managers (Cash) and Asst. Managers (Cash)]</i> | <i>Power to discharge bills of exchange, promissory notes, documents of title to goods which come to them in discharge of functions of the post held for the time being.”</i>                                                                            |

9. Mr. Kapur states that the counter affidavit was filed by the Assistant General Mangar (Premises & Estate), who falls within the categories mentioned above.

10. In view of the status report filed by the NDMC, after inspection of the premises, and the undertaking given by the Bank that it will not carry out any construction without due sanction, no further orders are required in this petition which stands disposed of.

11. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decisions of



the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

**PRATEEK JALAN, J**

**OCTOBER 15, 2024/MR/**