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

+ **W.P.(C) 466/2025**

SH AKASH

.....Petitioner

Through: Mr. R. R. Bag, Mr. Rajbeer and
Mr. Surjeet Kumar, Advocates.

versus

MUNCIPAL CORPORATION OF DELHI & ORS

....Respondents

Through: Mr. Vikas Chopra, Standing
Counsel with Ms. Anita R.
Mishra and Ms. Khushi,
Advocates for R-1.

Mr. Santosh Kumar Pandey,
Advocate for R-2/Delhi Police.

Mr. Parvez Bashista and Mr.
Prashant Katara, Advocates for
R-5 and 6.

Mr. Gaganmeet Singh Sachdeva,
Mr. H.S. Sachdeva and Mr.
Harshpreet Singh Chadha,
Advocates for DDA.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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15.01.2025

1. The petitioner has filed the present petition *inter alia* praying as
under:

“In view of the submissions made above, On the basis of the
above premises, it is most humbly and respectfully prayed that



this Hon'ble Court may graciously be pleased to issue a writ, order or direction in the nature of mandamus or any other appropriate Writ-

A) Directing the respondents no 1 to 4 to address the complaints given by the petitioner on the dates mentioned in the list of dates and events.

B) Issue appropriate writ, order or direction thereby direct the respondent no.1 to 4 to initiate stern legal action against the respondent no. 5 and 6. and seal the BUILDING NO. 135/6 AND 135/7, GULMOHAR ROAD, GAUTAMNAGAR, SOUTH DELHI, NEW DELHI -110016 as per law.

C) Issue appropriate writ, order or direction thereby directing the respondents to stop the illegal and unauthorized construction being carried out by respondent no.5 and 6 at BUILDING NO. 135/6 AND 135/7, GULMOHAR ROAD, GAUTAM NAGAR, SOUTH DELHI, NEW DELHI -110016,

D) Issue appropriate writ, order or direction thereby directing the respondents to demolish the illegal and unauthorized constructed already carried out by the respondent no.5 and 6 at BUILDING NO. 135/6 AND 135/7, GULMOHAR ROAD, GAUTAM NAGAR, SOUTH DELHI, NEW DELHI -110016,

E) Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and to meet the ends of justice.”

2. It is the petitioner's case that a building is being constructed at 135/6 and 135/7 Gulmohar Road, Gautam Nagar, South Delhi without proper sanction plans. It is alleged that the respondent nos. 5 and 6 have succeeded in constructing the building up to third floor and basement and are planning to construct more floors above the same. Thus carrying out “illegal and unauthorized multi storey construction at the said property.”



3. The learned counsel appearing for the MCD states on instructions, that a building is being constructed at the given site after obtaining a necessary building approvals. It is also pointed out that the construction being raised is up to the third floor which is permissible under the Unified Building Bye laws, 2016.

4. The learned counsel for the petitioner submits that the allegation that the building has been raised without sanctioned plan is premised on the basis that he had filed an application under the Right to Information Act, 2005 with the concerned authorities but had received no response in respect of the said application.

5. Clearly, the same cannot be a basis of affirming that a construction is being raised without sanction of building plans. The appellant had his appellate remedies under the Right to Information Act for obtaining the information as necessary to make an allegation as has been made in the present petition.

6. We find that the allegations in the present petition have been made somewhat irresponsibly.

7. Accordingly, we consider it apposite to dismiss the present petition with cost quantified at ₹1,00,000/- to be deposited with the Delhi High Court Legal Aid Services Committee within a period of one week from date.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 15, 2025yrj/Aj