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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 130/2024**

VISHWANATH

.....Petitioner

Through: Mr. Kamlesh Upadhyay, Adv.

versus

SHRI GYANESH BHARTI & ANR.

.....Respondent

Through: Mr. Puneet Yadav, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

02.05.2025

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1. Status report has been filed by the MCD, on 29th July 2024. Though, the counsel for the petitioner states that he does not have a copy of the status report, the Court has perused the same. It states that the construction was sanctioned. However, there were deviations/*excess coverage*, which were accordingly demolished. The relevant extracts from the said status report are as under:

11/2023
2025
18/01-1100
7-6
That the Building Plan with respect to Plot No. XVI/2117, 2118 and 2119, Gali No.3 & 4, situated at Chuma Mandi, Paharganj, New Delhi has been obtained by Sh. Kushal Varun, Sh. Shakun Varun, 2118, Gali No.3 & 4, situated at Chuna Mandi, Paharganj, New Delhi through the registered Architect/Engineer/Supervisor

vide file no. 20003272 dated 24.07.2023 over a plot area of 249.98 sqm with the attributes stilt, ground floor, first floor, second floor and third floor having permissible ground coverage and FAR @75% & 300% respectively. Copy of the SBP obtained vide file no. 20003272 dated 24.07.2023 is annexed herewith as **Annexure-A**.



4. That action u/s 344(1) and 343 of the DMC Act, 1957 had been initiated against the unauthorized construction in the shape of deviation/excess coverage against Sanction Building Plan No. 20003272 at stilt, ground floor, first floor, second floor & third floor vide file no. 14/C-82/B/UC/KBZ/2024 dated 16.01.2024. Order of demolition had been passed on 05.02.2024. Copy of the demolition order dt. 05.02.2024 is annexed herewith as **Annexure-B**.

5. That demolition action had been taken on 23.02.2024 wherein the projected chajjas at ground floor, first floor and second floor had been demolished. The photographs taken during demolition action are annexed herewith as **Annexure-C**.

2. Counsel for the MCD states that further action has been taken, on 29th April 2025, since there was further construction on the property.
3. It is expected that the MCD shall continue to take steps in this regard and the petitioner will be served with a copy of the existing status report and an updated status report, which will be filed within four weeks.
4. Accordingly, the petition is disposed of, with liberty to petitioner to revive proceedings, in case there is continued infraction.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 2, 2025/MK/kp