



\$~3

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

+ **W.P.(C) 4024/2025**

MEENA BABBAR

.....Petitioner

Through: **Ms. Suruchi Gera, Proxy Counsel**
(through VC)

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: **Mr. Vishal Chadha, Advocate for**
respondent no. 1/MCD.

(M): 9810641379

Email:

advocatevishalchadha@gmail.com

Mr. Puneet Yadav, SPC with Mr.
Kapil Dev Yadav, GP, SI Delhi
Police for respondent no. 4.

(M): 9999388384

Email:

puneetyadavadvocate@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.04.2025

%

1. The present writ petition has been filed seeking directions to restrain respondent no. 2 from carrying out illegal construction on the ground floor of the property bearing *no. FC-130, Tagore Garden*, without obtaining the requisite permission and from altering the basic structure of the ground floor.

2. This Court notes that pursuant to the directions of this Court *vide* order dated 01st April, 2025, an affidavit has been filed on behalf of the



Municipal Corporation of Delhi (“MCD”), wherein, it has been stated as follows:

“xxx xxx xxx

3. That, the present status report is being filed before this Hon’ble Court in compliance of the order dated 01.04.2025. It is submitted that in compliance of the direction, the property bearing No. FC-130, Tagore Garden, New Delhi was inspected by the Jr. Engineer (Bldg.) concerned on 08.04.2025 and it has been reported to the undersigned by the concerned Jr. Engineer (Bldg.) and Asstt. Engineer (Bldg.) that the property is consisting of Ground Floor, First Floor, Second Floor and Third Floor wherein, minor renovation work was found in progress at Ground Floor. Further, the owner has displaced the front partition wall at ground floor in order to make a cupboard and has also displaced partition wall in the back room. He has also shifted the front non-load bearing wall by approximately 2 feet. All the alterations have been made of the walls which are non load bearing. Beside above work, the entire property was found old and residentially occupied. The aforesaid work carried out by the owner is permitted under Clause 2.0.1(d) of the UBBL-16 and no permission is required from the MCD for aforementioned work.
4. That, it has been further reported that during the inspection it was also observed that replasting, painting & tiling work of walls has been carried out by the owner in the recent past. The photographs taken during the inspection are attached herewith as **Annexure ‘A’ (Colly)**. Further, as per record maintained by the Building Department, the suit property stands booked for unauthorized construction in the shape of entire second floor and third floor (ground floor and first floor old and occupied) with projection on mpl. land vide file No. B/UC/WZ/09/35 dated 10.08.2009.



5. That, it has also been reported that earlier a complaint in respect of aforesaid property was also received in the department and based on the said complaint, the property was got inspected by the Jr. Engineer (Bldg.) concerned on 23.01.2025. During the inspection, he noticed that renovation work is being carried out and accordingly he had asked the owner verbally to ensure that the structural integrity is not compromised due to said renovation work. The photographs taken during the inspection are attached herewith as Annexure 'B' (Colly). The owner of ground floor in response to the said direction, had submitted a structural stability certificate in respect of aforesaid property in the department, which is attached as Annexure 'C'.

xxx xxx xxx”

3. A perusal of the aforesaid Status Report filed on behalf of respondent/MCD, shows that it is the categorical stand of the MCD that only minor renovation work has been carried out by the respondent no. 2. The respondent no. 2 has shifted the non-load bearing wall by approximately two feet, which, as per the MCD, is permitted in terms of Clause 2.0.1(d) of the Unified Building Bye-Laws.

4. It is further the case of the MCD that no permission is required from the MCD for the aforementioned work.

5. Accordingly, considering the aforesaid stand of the MCD, no further directions are required to be passed by this Court.

6. However, at this stage, learned counsel appearing for the petitioner submits that the petitioner has objection to the affidavit filed on behalf of the MCD.

7. This Court is of the view that once the Statutory Authority has submitted, by way of affidavit, that the renovation work is permissible under law, this Court will not go into any disputed questions of facts.



8. In case, the petitioner is aggrieved by any statements made by the MCD, the petitioner is at liberty to seek remedies, in accordance with law.
9. Noting the aforesaid, the present writ petition, along with the pending applications, is accordingly, disposed of.

MINI PUSHKARNA, J

APRIL 22, 2025
ak