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

+ **W.P.(C) 5407/2025 & CM APPL. 24672/2025**

AKSHAY BANSAL

.....Petitioner

Through: Advocate (appearance not given)
versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER,**

.....Respondent

Through: Mr. Ashutosh Gupta, ASC-MCD
Mr. Lalltaksh Joshi, Ms. Ananya
Sanjiv Sarogi, Advocates for R-3
(M:9730630681)
Ms. Shivani Luthra Lohiya, Panel
Counsel with Mr. Kawan Jaggi, Mr.
Nischal Tripathi, Advocates for R-4
Mr. Alok Sinha, Advocate for R-5
(M:9811969215)
Mr. Ajjay Arora, Sr. Adv. with Mr.
Mukul Bhimani, Mr. Nitish Dubey,
Advocates for subsequent purchaser
(M:9810543151)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.04.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 4, to take necessary action against the illegal and unauthorized construction activity, being carried out by respondent no. 5, owner/occupant in the building, bearing no. C-48, Lajpat Nagar-II, New Delhi-110024, without any sanctioned/approved site plan.

2. *Per contra*, learned Senior Counsel appearing for subsequent purchasers from respondent no. 5, submits that there is a sanctioned plan in

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favour of his client.

3. He admits that there are some deviations which are compoundable. He undertakes that his client shall rectify all the deviations, and bring the same within the building norms.

4. Learned counsel for respondent/MCD, on advance notice, submits that deviations, from basement to second floor, have been booked by the MCD. He further submits that there is unauthorized construction on the third floor as well, which has also been booked. He submits that in view of the existing unauthorized construction, Show Cause Notice has already been issued. He submits that further action shall be taken after receiving reply from the various parties.

5. Considering the fact that the MCD has already initiated proceedings against deviations and unauthorized construction existing in the property, it is directed that the MCD shall take requisite action against the said deviations and unauthorized construction, after following the due process, and in accordance with law.

6. In case, the owner/occupier of the property in question comes forward to rectify the deviations, the MCD shall allow the same, under its supervision.

7. In case there remains further unauthorized construction/deviations, action shall be taken by the MCD, accordingly.

8. In case the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner shall be at liberty to approach the Special Task Force (“STF”) constituted by the Supreme Court, in terms of the directions as passed by the Division Bench of this Court, in the cases of ***Devender Versus Govt. of NCT of Delhi***, in ***W.P.(C) 1807/2018*** and ***Fazruddin Versus DDA***

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in ***W.P.(C) 4649/2017***.

9. In case the subsequent purchaser from respondent no. 5, owner/occupant of the building, is aggrieved by any action of the MCD, he shall be at liberty to seek remedies, in accordance with law.

10. The rights and contentions of both the parties are kept open.

11. Noting the aforesaid, the present writ petition, along with pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 28, 2025

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