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

+ **W.P.(C) 5454/2025 & CM APPL. 24868/2025**

VIRENDER KUMAR DUA

.....Petitioner

Through: Mr. Mohd. Hashim Miyan, Mr. A.K. Sharma and Ms. Sandhya Sharma,
Advocates
Mob: 9810132179

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Vasu Singh, ASC for MCD.
(through VC)
Mr. C P Vig, Advocate for R-3 and
LR of R-2
Mob: 9818444953

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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28.04.2025

1. The present writ petition has been filed praying for directions to the respondent nos. 1 and 2/Municipal Corporation of Delhi ("MCD"), to book excess coverage area of 93.188 sq. meters in *property no. 606, First Floor, Nimri Colony, Delhi-110052*.
2. The petitioner is stated to be residing in an adjacent *property no. 608, First Floor, Nimri Colony, Ashok Vihar, Delhi-110052*.
3. Learned counsel appearing for respondent nos. 1 and 2/MCD, on advance notice, submits that an *appeal bearing no. 80/539/2023*, has already been filed by respondent no. 3, i.e., the owner/occupier of the property, bearing no. 606 against the demolition order dated 7th January, 2020, passed

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by the MCD.

4. She submits that the petitioner herein, had also filed an application before the learned Appellate Tribunal, MCD (“ATMCD”), which was disposed of *vide* order dated 31st January, 2025, thereby, allowing the petitioner herein to submit requisite documents before the learned ATMCD, as well as to make submissions, at the time of hearing before the learned ATMCD.

5. It is further pointed out that the petitioner herein has also filed a civil suit in Rohini Court, i.e., *CS SCJ 1017/2019*, titled as “*Virender Kumar Dua Versus Vinod Kumar & Others*” wherein, the aspect of unauthorised construction in the property in question, is the subject matter.

6. *Per contra*, learned counsel appearing for the petitioner submits that the aforesaid suit is with regard to the unauthorised construction/encroachment in the common shaft of the building. However, during the pendency of the aforesaid suit, the respondent no. 3 herein has carried on further construction on the second floor of the property.

7. Responding to the aforesaid, learned counsel appearing for the MCD submits that in the Status Report filed on behalf of the MCD on 28th January, 2020, before the learned Rohini Court, it has been categorically stated that the construction of the second floor, is old and occupied.

8. However, learned counsel appearing for the petitioner draws the attention of this Court to the Status Report filed on behalf of respondent-MCD before the learned ATMCD, wherein, it has been stated as follows:

“xxx xxx xxx

6. The excess coverage deviations of Flat No. 606, First Floor, Nimri Colony beyond Standard Plan are taken which are as under:-



Floor	Area as per Standard Plan (in Sq. Mtr.)	Area as per Existing construction (in Sq. Mtr.)	Excess coverage beyond the Standard Plan (in Sq. Mtr.)
1 st Floor	62.26	77.537	15.277
2 nd Floor	-	77.911	77.911
Total			93.188

*Copy of the site plan showing the excess coverage/deviation in red colour in respect of Flat No. 606, Nimri Colony & photographs taken during inspection are annexed herewith as **Annexure-'C'**(Colly).*

xxx xxx xxx”

9. Considering the aforesaid, the MCD is directed to ensure that the requisite action against the excess coverage beyond the standard plan is taken, in case, the same is not compoundable.
10. The MCD, at the time of taking action against the said excess coverage, shall also consider the issue as to whether the said construction, is old or protected, in terms of the stand of the MCD.
11. Noting the aforesaid, that the unauthorised construction in the property in question, is already a subject matter of two proceedings, one before the ATMCD, and another before the Civil Judge in Rohini Court, no further orders are required to be passed by this Court, in the present petition.
12. Accordingly, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 28, 2025

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