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

+ **W.P.(C) 6579/2025**

PAVAN GANDAS

.....Petitioner

Through: Mr. Divye Puri, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Vikramaditya Singh, Adv. for R-1

Mr. Sanjiv Sharma and Mr. Siddant Rai Sethi, Advs. for R-2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.11.2025

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1. The present writ petition has been filed seeking directions to respondent no.1 for restraining the misuse of residential property bearing *No. 52B/9, Kishan Garh, Vasant Kunj, New Delhi-110070* for commercial purposes by respondent no. 2.
2. Learned counsel appearing for respondent no. 2 submits that the petitioner is the son of respondent no. 2, which fact has not been disclosed in the present writ petition.
3. It is further submitted that the petitioner has raised certain property disputes, as well with respect to the properties owned by respondent no. 2.
4. On a pointed query by this Court, as to where the aforesaid facts have been disclosed in the petition, learned counsel appearing for the petitioner submits that it is clear from the Memo of Parties that he had disclosed the name of petitioner's father.



5. The aforesaid submission made on behalf of the petitioner is unacceptable. Clearly, the petitioner, being the son, is trying to settle personal scores with his father, by impleading him as respondent no. 2.

6. The Court will not go into the *inter-se* disputes between the parties or become a tool for the purposes of settling personal scores.

7. A Status Report has been filed on behalf of the Municipal Corporation of Delhi (“MCD”), relevant portions of which, read as under:

“xxx xxx xxx

3. That present Writ Petition has been filed seeking directions to the respondent no. 1 for restraining the misuse of residential property bearing No. 52/B/9, Kishan Garh, Vasant Kunj, New Delhi - 110070.

4. That considering the aforementioned relief as sought by the petitioner and pursuant to the directions of this Hon’ble Court, the subject property has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.

5. That on inspection, it has been noticed / revealed that the part portion of the Basement of the subject property, at the instance of owner / occupier, is being used for running of Gym (New Age Fitness Centre) which is in violation of permissible / sanctioned use of the said property and also against the Master Plan – 2021 / Zonal Plan / Sanctioned Plan and amounts to misuse of premises under reference.

6. That considering the same, a Notice u/s 345-A of DMC Act – 1957 vide bearing No. D/32/DC/Bldg/SZ/2025 dated 11/09/2025 has been issued / sent to owner / occupier of the subject property, with the directions to stop the alleged misuse and bring the premises within the permitted



use as per Master Plan – 2021 within 48 – hours and also file an Affidavit in the prescribed format, failing which the premises under reference will be sealed without any further notice. Copy of said notice is annexed herewith as **Annexure –A.**

7. That however, on receiving no reply from the noticee / owner / occupier to the aforesaid notice, the Competent Authority i.e. Deputy Commissioner of South Zone – MCD has passed the necessary sealing order u/s 345-A of DMC Act – 1957 vide dated 16/10/2025. Copy of sealing order dated 16/10/2025 is also annexed herewith as **Annexure –B.**

8. That further pursuant to aforesaid sealing order as passed, the Building Department –II of South Zone – MCD has taken / carried out the necessary sealing action on 23/10/2025 and upon availability of police force, the alleged GYM has been sealed at 05 points at main gate and side gate. The photographs taken during the aforesaid sealing action are annexed herewith as **Annexure –C (Colly).**

9. That after taking the aforesaid sealing action, a letter dated 23/10/2025 has also been sent to concerned, SHO PS Kishangarh, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the seals affixed by the department may not be



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tampered with. Copy of the said letter is also
annexed herewith as Annexure –D.

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8. Perusal of the aforesaid Status Report shows that the MCD has already taken cognizance of the misuse in the property in question.
9. The MCD is enjoined upon to take action, in accordance with law, to ensure that only activities, which are permissible as per law, are carried out from the premises in question.
10. This Court takes note of the statement made by learned counsel appearing for the MCD that as on today, there is no misuse of the property in question and no unauthorized activity is being carried out from therein.
11. Needless to state, in case the respondent no. 2 is aggrieved by any action on the part of the MCD, his right to seek remedies, in accordance with law, is reserved.
12. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 7, 2025/KR