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

+ **W.P.(C) 7069/2025 & CM APPL. 31928/2025**

MUKESH KUMAR

.....Petitioner

Through: Mr. Abhishek Gurawa, Advocate
versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Akanksha Gupta, Advocate for
MCD (M:9013799111)
Mr. Pramod Kumar, Advocate for R-
3, Sub Registrar 4,
Mob: 9717888012
Mr. Mimansak Bhardwaj, Sr. Panel
Counsel with Ms. Vaidya Mishra, Ms.
Manisha, Mr. Shubhashish Roy,
Advocates for R-4 (M:8800177082)
Mr. G.S. Narula, Mr. Vijender Singh,
Advocates for R-7 (M:7838087469)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.05.2025

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1. The present writ petition has been filed for directions to the respondents to demolish the unauthorized construction carried out by Mr. Pukhraj Singh on the Terrace, above Second Floor of B-2/13, Vasant Vihar, New Delhi, which as per the petitioner, does not belong to Mr. Pukhraj Singh.

2. Paragraph-1 of the present petition reads as under:

“1. That the Petitioner MUKESH KUMAR, is the rightful owner of the property bearing No. B2/13, Vasant Vihar, New Delhi, which has been



subjected to illegal construction and unauthorized occupation by the Respondent No. 6.”

3. Perusal of the aforesaid shows that the petitioner has stated that the petitioner is the rightful owner of *B-2/13, Vasant Vihar, New Delhi*, which has been subjected to illegal and unauthorized construction.

4. *Per contra*, learned counsel for respondent no. 6 submits that respondent no. 6 is the lawful owner of the Second Floor, as well as the Third floor.

5. He further submits that no construction has been carried out on the Second Floor and the Third Floor of the property after the year 2003-2004.

6. Attention of this Court has also been drawn to the Agreement to Sell dated 6th December, 2022, in favour of the petitioner, which shows that the petitioner is the owner of only 45 Sq. meters out of 502 Sq. meters of the property in question. The said document in favour of the petitioner states that the petitioner has a proportionate land share in 10% undivided share of the basement.

7. Learned counsel for the Municipal Corporation of Delhi (“MCD”), on advance notice, submits that no fresh construction is being carried out in the property in question. She, however, submits that there are certain deviations in the whole building, including, the basement.

8. This Court takes note of the fact that no fresh construction is being carried out by respondent no. 6, and the existing construction is an old one. Further, as per respondent no. 6, due to a pre-existing dispute pending between respondent no. 6 and respondent no. 5, who is tenant of respondent no. 6, the present writ petition has been filed only with a view to settle scores with the petitioner.



9. This Court notes the contention of respondent no. 6 that the present petition has been filed with a view to dispossess the respondent no. 6, being the lawful owner, from his own property, in connivance with the tenant.

10. This Court further notes the submission of learned counsel for MCD that no construction is taking place in the property in question, at present.

11. This Court deprecates the action of the petitioner, who being the owner of only 10 % of the property, i.e., only 45 Sq. meters in the basement, has filed the present petition, despite no construction being carried out in the property in question. As per the submission before this Court, the existing construction in the property is an old one, having been carried out as far back as in the year 2003-04.

12. Thus, the present petition is clearly in the nature of abuse and misuse of the process of law.

13. However, considering that certain deviations exist in the property, the MCD is directed to take requisite action, as per law, for removal of such deviations.

14. At this stage, learned counsel for the petitioner submits that he may be allowed to withdraw the present petition.

15. Accordingly, the present petition is dismissed as withdrawn, with cost of ₹50,000/-, payable within a period of four weeks, to the Delhi High Court Bar Association (“D.H.C.B.A.”) Costs Account, A/c. No. 15530110179338.

16. For compliance of payment by the petitioner, list before the Joint Registrar on 08th July, 2025.

MINI PUSHKARNA, J

MAY 23, 2025/au