



\$~65

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

+ W.P.(C) 7142/2025 & CM APPL. 32233/2025, CM APPL. 32234/2025

SMT ASHA GANDHI AND ANOTHERPetitioners

Through: Ms. Sonali Malhotra, Ms. Kritika Gupta and Ms. Prachi, Advocates
Mob: 9818024129

Email: sonali@sonalimalhotra.com

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents

Through: Ms. Saroj Bidwat, SC for MCD
(through VC)
Mr. Kartik Bhardwaj, Advocate for
R-2 to 4.

Mob: 9654322188

Email: lexalliance.vivek@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

23.05.2025

W.P.(C) 7142/2025 & CM APPL. 32233/2025

1. The present writ petition has been filed with the prayer for directions to respondent no. 1 to ensure that the construction, which is being carried out by respondent nos. 2 to 4 in their property bearing no. R-629, *New Rajinder Nagar, New Delhi-110006*, is done in accordance with the Sanctioned Building Plan.

2. Learned counsel appearing for the petitioners submits that the petitioners are the residents of property bearing no. R-630, *New Rajinder Nagar, New Delhi*, which has been constructed by the petitioner in



accordance with law.

3. It is submitted that the petitioners share a common side with the property of respondent nos. 2 to 4, wherein, the petitioners have already constructed their side of the wall.

4. Learned counsel appearing for the petitioners expresses concern over the fact that water proofing is required to be done on the wall, which has already been constructed by the petitioners in their property, i.e., *R-630, New Rajinder Nagar, New Delhi*, which touches the boundary of the plot of respondent nos. 2 to 4, i.e., *property no. R-629*.

5. She, thus, submits that the petitioners be allowed to do water proofing and plastering, in order to safeguard the property of the petitioners.

6. Learned counsel appearing for respondent – Municipal Corporation of Delhi (“MCD”), on advance notice, submits that there is a Sanctioned Building Plan, in favour of respondent nos. 2 to 4.

7. She submits that construction work is being carried out by respondent nos. 2 to 4, pursuant to the said Sanctioned Building Plan.

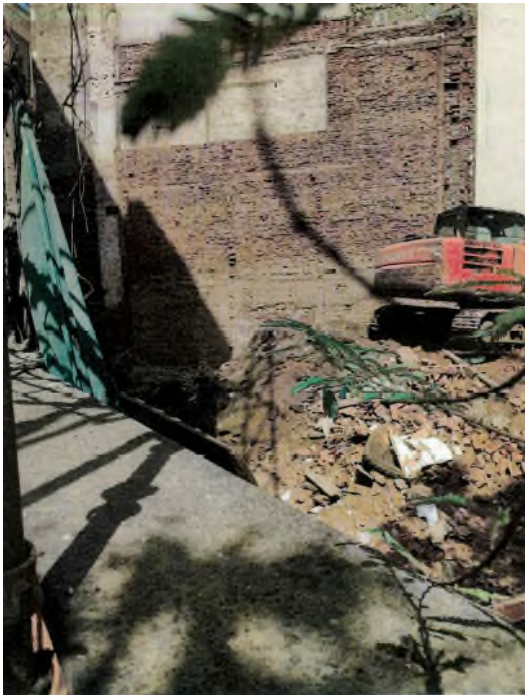
8. Learned counsel appearing for respondent nos. 2 to 4 submits that the construction in the property of the said respondents, i.e., property bearing no. *R-629*, has commenced recently on 1st May, 2025.

9. Learned counsel appearing for respondent nos. 2 to 4, further submits that since there is a common side, which is shared by the petitioners and respondent nos. 2 to 4, it will be beneficial to respondent nos. 2 to 4 as well, that there is water proofing on the wall of the petitioners, which touches the boundary of the property of respondent nos. 2 to 4.

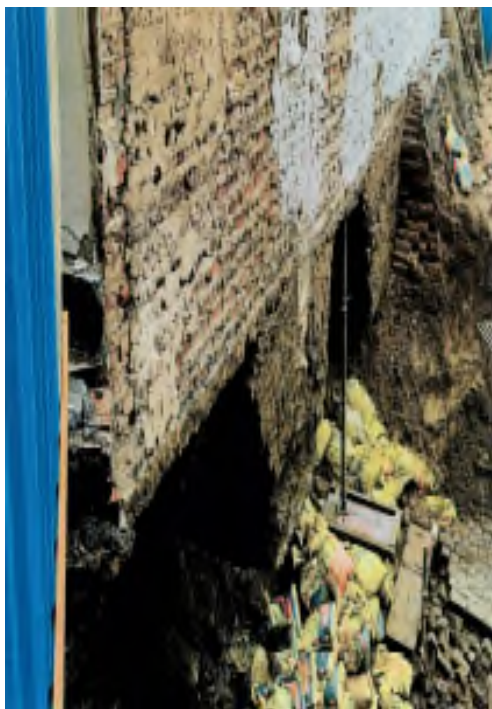
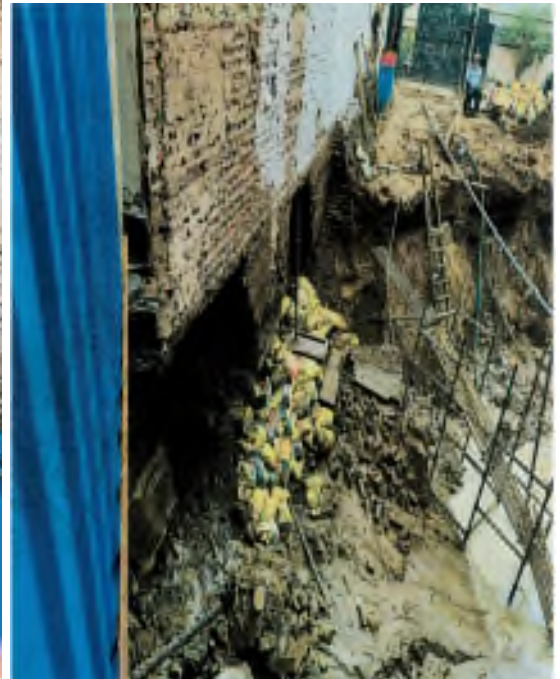
10. This Court has perused the photographs showcasing the construction in the property in question. The relevant photographs, attached as *Annexure*



P-7, are reproduced as under:









11. Perusal of the aforesaid photographs shows that the wall, which exists on the right hand side, has been constructed by the petitioners at the time of construction of their property. The area, which is shown as dug in the photographs, is the property of respondent nos. 2 to 4.

12. Thus, it is apparent that the outer side of the wall of the petitioners is adjacent to the boundary of the respondent nos. 2 to 4's property. Upon respondent nos. 2 to 4 constructing their own wall on the side abutting the petitioners' property, there would be a common thick wall shared by the petitioners and respondent nos. 2 to 4.

13. Accordingly, this Court is of the view that relevant action for the purposes of water proofing needs to be carried out, in order to protect the properties of the petitioners, as well as the respondent nos. 2 to 4.



14. At this stage, learned counsel appearing for respondent nos. 2 to 4, submits that at the time of construction, after taking expert opinion, water proofing shall be done on the wall to be constructed by respondent nos. 2 to 4, adjacent to the common wall shared with the petitioners.

15. The aforesaid statement is taken note of.

16. Accordingly, it is directed that respondent nos. 2 to 4, at the time of carrying out the exercise of water proofing on the wall to be constructed by respondent nos. 2 to 4, shall ensure that the said exercise is carried out in a manner, so that there is no water leakage on the side of the petitioners' property.

17. It is further directed that after the construction is completed by respondent nos. 2 to 4, the common wall, which they share with the petitioners overlooking the property of the respondent nos. 2 to 4, shall be duly painted and plastered, in order to secure the said common wall.

18. Needless to state, the respondent nos. 2 to 4 shall carry out the construction in terms of the Sanctioned Building Plan, and in compliance of various other norms, that are required to be followed.

19. The respondent nos. 2 to 4 are held bound to ensure that proper water proofing and plastering is done on the petitioners' wall facing the property of respondent nos. 2 to 4.

20. With the aforesaid directions, the present petition, along with the pending applications, is accordingly, disposed of.

MINI PUSHKARNA, J

MAY 23, 2025
ak