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

+ W.P.(C) 6920/2025 & CM APPL. 59400/2025

PANKAJ JAIN

.....Petitioner

Through: Mr. Ankit Jain, Sr. Adv. with Mr.
Shailesh Tiwari, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Mukesh Gupta, SC for MCD with
Mr. Sachin Singh Shahi, Mrs. Shashi
Gupta, Mr. Arnav Gupta and Ms.
Jasleen Kaur, Advs. for R-MCD.

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Ms. Arti Bansal CGSC-UOI with Ms.
Shruti Goel, Adv. for R-3/DP

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artibansalassociates@gmail.com

Mr. Mohit Mathur, Mr. Sandeep
Sharma and Mr. Samrat Nigam, Sr.
Advs. with Mr. Kunal Malhotra, Ms.
Chandrika Gupta, Mr. Amit
Choudhary, Mr. Harsh Gautam, Ms.
Anchal Khanna, Ms. Ridhi Khanna,
Mr. Mayank Sharma, Mr. Vignesh R.
and Ms. Arpita Rawat, Advs. for R-5
and R-5.

Mob: 9899194609

Email: kunalmalhotra15@gmail.com

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+ W.P.(C) 7496/2025 & CM APPL. 33534/2025, CM APPL.
65192/2025



MANJU KHANNA

.....Petitioner

Through: Mr. Mohit Mathur, Mr. Sandeep Sharma and Mr. Samrat Nigam, Sr. Advs. with Mr. Kunal Malhotra, Ms. Chandrika Gupta, Mr. Amit Choudhary, Mr. Harsh Gautam, Ms. Anchal Khanna, Ms. Ridhi Khanna, Mr. Mayank Sharma, Mr. Vignesh R. and Ms. Arpita Rawat, Advs.
Mob: 9899194609
Email: kunalmalhotra15@gmail.com

versus

MUNCIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD.
Mob: 9315827955
Email: manuchaturvedi@gmail.com
Mr. Ankit Jain, Sr. Adv. with Mr. Shailesh Tiwari, Adv. for R-11.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.10.2025

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1. The present writ petitions have been filed seeking directions to respondent to take action against the unauthorized and illegal construction in property Nos. 16/866 and 16/867, Khasra No. 590/394, Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi-110005.
2. Learned counsel appearing for the Municipal Corporation of Delhi ("MCD") in W.P.(C) 6920/2025, has drawn the attention of this Court to the Status Report filed on behalf of the MCD in W.P(C) 6920/2025, relevant portion of which, are reproduced as under:

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“xxx xxx xxx

3. That the Property Bering No. 16/866, Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi-110005 has been inspected by the concerned JE(B)/KBZ on 17.07.2025. During inspection, it has been noticed that the property consists of Ground Floor and First Floor. The property is old & residentially occupied except one

small shop at Ground Floor i.e. Arvind Dairy. At the time of inspection, no construction activity in the property was noticed nor any building material was found stacked at site. No sanction building plan of the property is available in the record of Building Department, Karol Bagh Zone, MCD.

4. That a Show Cause Notice u/s 345A r/w Section 347 of the DMC Act, 1957 had been issued to M/s. Arvind Dairy vide no. D/EE(B)/KBZ/2025/448 dated 23.09.2025. Copy of the Show Cause Notice vide no. D/EE(B)/KBZ/2025/448 dated 23.09.2025 is annexed herewith as **Annexure-A**.

5. That in response to the Show Cause Notice dated 23.09.2025, a reply dated 26.09.2025 had been received from Sh. Raju Khanna that he is ready to pay conversion charges of the property. Another letter dated 29.09.2025 had been received from Sh. Raju Khanna stating that he has paid applicable charges with penalty. He also annexed a copy of the G-8 Receipt No. EIF-3600779455679 dated 29.09.2025 for an amount of Rs. 2,46,535/- towards one time Conversion Charges, Parking Charges, Penalty Charges and Registration Charges for an area of 18.58 sqm, for Ground Floor. It is further submitted that as per the Clause 15.6.3 of MPD-2021 the commercial activity of dairy product in a shop measuring maximum 20 sqm is permissible subject to payment of applicable charges. Copy of the G-8 receipt dated 29.09.2025 is annexed herewith as **Annexure-B**.



6. That a letter no. D/AE(B)/KBZ/2025/2152 dated 23.09.2025 had been sent to Owner/Occupier of the Property No. 16/866, Joshi Road, Karol Bagh, New Delhi-110005 to provide the relevant documents in respect of property which can prove that the construction raised/existing is protect under National Capital Territory Delhi Laws (Special Provisions) Act. In response thereto a reply dated 08.10.2025 has been received. However, the owner/occupier of the property has failed to prove that the existing construction in the property as on date was in existence prior to 2007 or construction has been raised after obtaining a valid Sanction Building Plan.

Seal of Oath Commission
S.L. No. 50/2025

That, accordingly, the Property No. 16/866, Joshi Road, Karol Bagh, New Delhi-110005 has been booked vide file No. 209/C-83/B/UC/KBZ/25 dated 09.10.2025 u/s 343 & 344 (1) of the DMC 1957 "*for unauthorized construction in the shape of entire Ground Floor and entire First Floor with projection on Govt. Land*" and a show cause notice issued to Owner/Occupier/Ms. Manju Khanna. Further action shall be taken in due course of time as per law. Copy of the Show Cause Notice vide No. 209/C-83/B/UC/KBZ/25 dated 09.10.2025 is annexed herewith as **Annexure-C**.

8. That there are approximately ten properties bearing identical address i.e. Property bearing No. 16/867, Joshi Road, Karol Bagh, New Delhi which are adjacent to each other. As per record of Building Department, Karol Bagh Zone, MCD one Sanction Building Plan Vide ID No. 10104072 dated 02.07.2022 had been



obtained under EODB by Register Architect/Engineer/Supervisor in the name of Sh. Sushil Kumar Chadha for Plot No. 16/867, Northern Part, Joshi Road, Karol Bagh, New Delhi for a plot area of 250.83 sqm with attributes Stilt, Ground Floor, First Floor, Second Floor and Third Floor with permissible FAR and Ground Coverge @ 300% and @75% respectively. The legality of the Sanction Building Plan vide ID No. 10104072 dated 02.07.2022 is under scrutiny by the department.

9. That as per record, two more Sanction Building Plan under EODB of UBBL-2016 for construction of Property No. E-867-16, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh, Delhi vide vide ID no. 20023088 dated 30.08.2025 and Property No. 867 (Part) being 53/176, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh, Delhi vide ID No. 20019477 dated 08.05.2025 have been obtained recently.

10. That documents attached in the ID no. 20023088 dated 30.08.2025 and ID No. ID No. 20019477 dated 08.05.2025 while obtaining sanction building plan had been scrutinized by the department and it was found that both the Sanction Building Plan have been obtained under misrepresentation, concealment of material facts or false statements given by Owner/Architect/Professional. Therefore, proceedings under section 338 of the DMC Act, 1957 for revocation of the Sanction Building Plans have been initiated and show cause notice vide no. D/459/EE(B)/KBZ/2025 dated 01.10.2025 and show cause notice vide no. D/460/EE(B)/KBZ/2025 dated 01.10.2025 have been



issued to show cause as to why building plan obtained vide online ID NO. 20023088 dated 30.08.2025 and vide ID No. 20019477 dated 08.05.2025 may not be revoked. Further action shall be taken in due course of time as per law. Copy of the Show Cause Notice vide no. D/459/EE(B)/KBZ/2025 dated 01.10.2025 and show cause notice vide no. D/460/EE(B)/KBZ/2025 dated 01.10.2025 under section 338 of the DMC Act, 1957 are annexed herewith as **Annexure-D (colly)**.

11. That in one part Property bearing No. 16/867, Joshi Road, Karol Bagh, New Delhi (different from above) unauthorized construction at part fourth floor in the shape of brick masonry walls was being carried out by the owner/occupier without any permission or Sanction Building Plan from competent authority. The said unauthorized construction was demolished by the answering respondent during demolition action taken on 29.09.2025 at ongoing stage itself. Photographs taken during demolition action on 29.09.2025 are annexed herewith as **Annexure-E (colly)**.

3. Perusal of the aforesaid Status Report shows that the MCD has already initiated action against the property in question. As regards the issue of misuse, one time conversion charges and parking charges, as well as the penalty charges and registration charges, for an area of 18.58 square meters on the ground floor of property No. 16/866 already stand paid. The only issue which now remains is with regard to unauthorized construction, for which, Show Cause Notices have already been issued by the MCD.

4. As regards W.P.(C) 7496/2025, learned counsel appearing for the MCD has drawn the attention of this Court to the Status Report filed on behalf of the MCD in W.P.(C) 7496/2025, relevant portions of which, are extracted as below:

“xxx xxx xxx



3. That an Advisory Vide No. D/AE(B)/KBZ/2025/1040 dated 15.05.2025 had been issued to owner/builder of the Property No. 16/867, Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi-110005 to carry out demolition work as per MCD circular issued by Chief Engineer (Bldg)/HQ vide no. CE(Bldg)/HQ/2024-25/D-06 dated 22.04.2025.
4. That the Property bearing No. 16/867 (Part), Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi-110005 had been inspected by the concerned JE(B)/KBZ on 16.05.2025. During inspection, it had been noticed that the demolition of old structure in the property was being carried out.
5. That the Property No. 16/867 (Part), Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi has been again inspected by the concerned JE(B)/KBZ on 17.07.2025. During inspection, it has been noticed that the earlier existing structure in the property has been demolished/removed completely.
6. That as per record a Sanction Building Plan under EODB of UBBL-2016 for construction property no. E-867-16, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh, New Delhi was obtained vide ID no. 20023088 dated 30.08.2025 by Sh. Harjinder Singh Chawla & Ors through Registered Architect/Supervisor/



Engineer for raising construction on plot measuring 288.36 Sqm with permissible ground coverage @ 75% and FAR @ 300%. Copy of the Sanction Building Plan obtained Vide ID No. 20023088 dated 30.08.2025 is annexed herewith as **Annexure-A**.

7. That documents attached in the ID no. 20023088 dated 30.08.2025 while obtaining Sanction Building Plan had been scrutinized and it was found that Property No. E-867-16, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh, New Delhi is a part of larger plot initially having a plot area of 2289 Sqyd, which is sub-divided into smaller parts and the Sanction Building Plan in the instant case had been obtained on the basis of in respect of sub-divided plot which is not permissible. It was also found that the property abuts on notified commercial road (i.e. Joshi Road) as per MPD-2021. As per office order no. D-304/COM/SDMC/2022 dated 22.08.2022 the sanction of building upto 400 Sqr. Yds (334.44 Sqr.mtr) residential properties situated on notified commercial road shall be sanctioned by Zonal EE(B). However, in the instant case sanction is obtained under EODB through Registered Architect/Supervisor/Engineer instead of Zonal EE(B). Therefore, the plan obtained vide ID No. 20023088 dated 30.08.2025 was obtained under misrepresentation, concealment of material facts of false statements. Therefore, action under section 2.9.3 of the UBBL-2016 gets attracted.

8. That proceedings under section 338 of the DMC Act, 1957 had been initiated and a show cause notice vide no. D/459/EE(B)/KBZ/2025 dated 01.10.2025 has been issue to Sh.



Harjinder Singh Chawla & Ors and Professional as to why building plan obtained by online ID No. 20023088 dated 30.08.2025 may not be revoked. Further action shall be taken in due course of time as per law. Copy of the show casue notice vide no. D/459/EE(B)/KBZ/2025 dated 01.10.2025 under section 338 of the DMC Act, 1957 is annexed herewith as **Annexure-B**.

9. The Property No. E-867-16, Khasra No. 590/394, Block –E, Joshi Road, Karol Bagh, Delhi has been inspected by the concerned JE(B) on 29.09.2025 and it has been noticed that construction at the stage of Basement level is in progress. As the proceedings u/s 338 of the DMC Act, 1957 have already been initiated, a work stop notice vide no. D/AE(B)/KBZ/2025/2191 dated 01.10.2025 has ben issued to SHO, PS, D.B. Gupta Road, New Delhi and Owner/Builder to stop the construction being carried in the property. Copy of the work stop notice vide no. D/AE(B)/KBZ/2025/2191 dated 01.10.2025 is annexed herewith as **Annexure-C**.

10. That as per record another Sanction Building Plan under EODB of UBBL-2016 for construction Property No. 867 (Part) being 53/176, Khasra No. 590/394, Block –E, Joshi Road, Karol Bagh, Delhi was obtained vide ID No. 20019477 dated 08.05.2025 by Mrs. Neelam Khanna through Registered Architect/Supervisor/Engineer for raising construction on plot measuring 129.60 Sqm with permissible Ground Coverage @ 75% and FAR @ 300%.



Copy of the Sanction Building Plan obtained vide ID No. 20019477 dated 08.05.2025 is annexed herewith as **Annexure-D**.

11. That documents attached in the ID No. 20019477 dated 08.05.2025 while obtaining Sanction Building Plan had been scrutinized and it was found that Property No. 867(Part) being 53/176, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh is a part of larger plot initially having a plot area of 2289 Sqyd, which is sub-divided into smaller parts. The sub-division of the subject portion has been done in 2005 which is prior to the cutoff date mentioned in Gazette Notification No. S.O.97(E) dated 17.01.2011 of the DDA. However, as per the notification, if there is more than one building in one residential plot, the sum of the built up area and ground coverage of all such buildings, shall not exceed the buildup area and ground coverage permissible in the undivided plot without getting the same included or incorporated in layout plan. But in the instant case the owner(s) has taken benefit of development norms (Ground Coverage and FAR) for plot area of 129.60 Sqm (155 Sqyd) i.e. Ground Coverage 75% and FAR 300%, instead of the norms for undivided plot area 2289/689.50 Sqyd which shall be proportionally divided between one or more buildings in the same plot. It was also found that the property abuts on notified commercial road (i.e. Joshi Road) as per MPD-2021. As per office order no. D-304/COM/SDMC/2022 dated 22.08.2022 the sanction of building upto 400 Sqr. Yds (334.44 Sqr.mtr) residential properties situated on notified commercial road shall be sanctioned by Zonal EE(B). However, in the instant



case sanction is obtained under EODB through Registered Architect/Supervisor/Engineer instead of Zonal EE(B). Therefore, the plan obtained vide ID No. 20019477 dated 08.05.2025 was obtained under misrepresentation, concealment of material facts of false statements. Therefore, action under section 2.9.3 of the UBBL-2016 gets attracted.

12. That proceedings under section 338 of the DMC Act, 1957 has been initiated and a Show Cause Notice vide no. D/460/EE(B)/KBZ/2025 dated 01.10.2025 has been issued to Mrs. Neelam Khanna and Professional as to why building plan obtained vide online ID No. 20019477 dated 08.05.2025 may not be revoked. Further action shall be taken in due course of time as per law. Copy of the Show Cause Notice vide No. D/460/EE(B)/KBZ/2025 dated 01.10.2025 under section 338 of the DMC Act, 1957 is annexed herewith as **Annexure-E**.

13. The Property No. 867 (Part) being 53/176, Khasra No. 590/394, Block -E, Joshi Road, Karol Bagh has also been inspected by the concerned JE(B) on 29.09.2025 and it has been noticed that some building material is lying at the site. As proceedings u/s 338 of the DMC act, 1957 have already been initiated, a Work Stop Notice Vide no. D/AE(B)/KBZ/2025/2190 dated 01.10.2025 has been issued to SHO, PS, D.B. Gupta Road, New Delhi and Owner/Builder to stop the construction being carried out in the property. Copy of the Work Stop Notice Vide no. D/AE(B)/KBZ/2025/2190 dated 01.10.2025 is annexed herewith as **Annexure-F**.



14. That it is further submitted that there are approximately ten properties bearing identical address i.e. Property bearing no. 16/867, Joshi Road, Opposite Lane No. 4, Karol Bagh, New Delhi-110005 which are adjacent to each other.

15. That in one part property bearing no. 16/867, Joshi Road, Karol Bagh, New Delhi (different from above two properties) unauthorized construction at part fourth floor in the shape of brick masonry walls was being carried out by the owner/occupier without any permission or Sanction Building Plan from competent authority. The said unauthorized construction was demolished by the answering respondent during demolition action taken on 29.09.2025 at ongoing stage itself. Photographs taken during demolition action on 29.09.2025 are annexed herewith as **Annexure-G (colly).**

5. Perusal of the aforesaid Status Report clearly shows that though there is a Sanction Building Plan with respect to property *No. 16/867*, however, the MCD has now issued notices for revocation of the said Sanction Building Plan.

6. The proceedings with regard thereto are pending, owing to which, the MCD has already issued a Work Stop Notice to the local police to ensure that no further construction is carried out in the said property *No. 16/867*.

7. Mr. Ankit Jain, learned Senior Counsel appearing for the petitioner in *W.P.(C) 6920/2025* and for respondent no. 11 in *W.P.(C) 7496/2025*, submits that since there is a Sanction Building Plan in favour of his client, i.e., Mr. Pankaj Jain, merely because a notice has been issued for revocation of the said Sanction Building Plan, the same cannot be a ground for not allowing Mr. Pankaj Jain to carry out further construction.

8. However, this Court takes note of the submissions made by learned



counsel appearing for the MCD that since the proceedings with regard to revocation of the Sanction Building Plan are pending before it, a Work Stop Notice has already been issued in that regard.

9. Accordingly, since the MCD is already hearing Mr. Pankaj Jain, as regards the revocation of the Sanction Building Plan, there is no occasion for carrying out any further construction pending the said proceedings.

10. At this stage, Mr. Mohit Mathur, learned Senior Counsel appearing for the petitioner in *W.P.(C) 7496/2025*, submits that Mr. Pankaj Jain is still carrying out construction despite issuance of the said Work Stop Notice.

11. Considering the submissions made before this Court, since a Work Stop Notice has already been issued by the MCD to the local police and considering the fact that the proceedings with respect to revocation of the Sanction Building Plan is pending before the MCD, it is directed that till pendency of the said proceedings, no further construction shall be carried out in the concerned property.

12. Needless to state, any further action by the MCD shall be taken only after following the due procedure and in accordance with law.

13. In case, any parties are aggrieved by any order passed by the MCD or any action being undertaken by the MCD, their right to seek remedies in accordance with law, is reserved.

14. With the aforesaid directions, the present petitions, along with the pending applications, are accordingly disposed of.

15. The next date of 25th November, 2025 stands cancelled.

MINI PUSHKARNA, J

OCTOBER 15, 2025/ak