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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7556/2025, CM APPL. 33694/2025 & CM APPL.
47529/2025
HARSH VARDHAN BHARDWAJPetitioner

Through: Ms. Archy Gupta, Advocate (through
VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Anuj Gupta, Adv. for R-1
Mob: 7834814477
Email:
anujassociate52018@gmail.com
Mr. Ramjee Pandey, SPC for R-2
Email: ramjeepandey72@gmail.com
Mob: 9911269778

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
18.12.2025

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1. The present writ petition has been filed seeking directions to the respondent no. 1-Municipal Corporation of Delhi ("MCD"), to take action against respondent nos. 3 to 5 *qua* the illegal and unlawful construction being carried out at the property bearing No. B-57, Sarvodaya Enclave, New Delhi-110017.
2. A Status Report dated 02nd July, 2025, has been filed on behalf of the MCD, relevant portions of which, are reproduced as under:



“xxx xxx xxx

3. That so as to ascertain the status of the subject property i.e. bearing No. B-57, Sarvodaya Enclave, New Delhi-110017, the same has been got inspected through area field staff of Building Department –I of South Zone – MCD and also referred to the record maintained and available with the department.
4. That on inspection and referring to the record, the status of action initiated / taken by the Building Department –I of South Zone-MCD in respect of the aforementioned subject property is detailed herein-below:-
 - i) As per record, the subject property is stands booked vide U/c File No. 113/UC/B-I/SZ/2025 dated 30/04/2025 in the shape of unauthorized excavation of Basement without sanction plan for taking the necessary action u/s 343/344 of DMC Act – 1957. The requisite Show Cause Notice Vide Serial No. 11999 dated 30/04/2025 has also been issued to the owner / occupier of the subject property. The copy of the Show Cause Notice is annexed herewith as **Annexure –A.**
 - ii) Further, in response to the aforementioned Show Cause Notice, a reply dated 02/05/2025 has been received from one Sh. Vijay Israni. Vide said reply opportunity of personal hearing has also been requested for. Considering the same, in the interest of justice, the personal hearing was fixed for 29/05/2025.



iii) However, in meanwhile, the instant Writ Petition has been preferred and considering the observations and directions of this Hon'ble Court as contained in order dated 28/05/2025, the hearing proceedings as fixed for 29/05/2025 has been pre-poned for 28/05/2025 and during the hearing, the noticee agreed to adopt and implement necessary corrective measures and to carry out necessary rectification work for filling of excavated portion of basement for which he sought 15 days time. Further he also assured that no further construction work will be carried without getting prior Building Plan Sanctioned. Considering the same, the noticee was directed to ensure that no damage is caused to the adjoining property due to unauthorized excavation of basement, while undertaking the rectification work and fixed the further hearing for 16/06/2025 at 03:00 PM.

iv) On 16/06/2025, during the hearing proceedings, the noticee informed that they have got the Building Plan Sanctioned vide Online ID No. 20019947 dated 16/06/2025 and the construction will be carried out as per the Sanctioned Building Plan and Provisions of Master Plan – 2021 as well as Unified Building Bye-Laws – 2016 in respect of the subject property. Considering the same, the noticee was also directed that he will comply with



the conditions of Sanction Building Plan, orders dated 28/05/2025 passed by this Hon'ble Court, will also ensure adoption of all safety measures at site to ensure no damage to the adjoining property and also to comply with any other orders / directions, if passed in the matter. To which the noticee agreed and the hearing proceedings were adjourned for 25/06/2025 at 03:00 PM.

v) Further, pursuant to the aforementioned hearing proceedings, the noticee also furnished an affidavit and undertaking that he will carry out all construction work and development, strictly in accordance with Sanction Building Plan obtained as well as per Building Bye – Laws / provisions of MPD – 2021 and will not engage in any unauthorized use of land and property. The copy of the affidavit and the undertaking as furnished are annexed herewith as **Annexure –B (Colly)**.

vi) Furthermore, it is also pointed out that the petitioner herein also preferred a CM Application bearing No. 36897/2025 which was listed before Vacation Bench of this Hon'ble Court on 23/06/2025 and upon hearing the parties, the Hon'ble Court was pleased to disposed of the same with the following main directions:

5. This Court has heard the parties.



6. The statement of Respondent no. 1, 4 and 5 are taken on record and they are bound down to the same.
7. Respondent no. 4 and 5 are directed to take all appropriate steps to construct a RCC wall along the vertical earth adjacent to the Petitioner's house on the excavated pit to the ground level, within a period of 20 days.
8. The Petitioner is directed not to interfere in the steps taken by the Respondent no. 4 and 5 in building the RCC wall.
9. With the aforesaid directions, the application stands disposed of.

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10. List before the Roster Bench on 04.07.2025, the date already fixed."

vii) Furthermore, on 25/06/2025, during the hearing proceedings before the Competent Authority i.e. AE (Bldg)-I of South Zone – MCD, the owner / builder undertakes that he will comply with the orders passed by this Hon'ble Court vide dated 23/06/2025 and will construct the RCC wall adjacent to the petitioner's property in terms of the order. Considering the same, the hearing proceedings have been adjourned for 07/07/2025:

5. That in light of above, it is submitted that presently the owner / builder of the subject property has obtained the requisite Sanction Building Plan Vide Online ID No. 20019947 dated 16/06/2025, copy annexed herewith as **Annexure –C**, for carrying out the necessary construction comprising of Basement, Stilt floor, Ground floor, First floor, Second floor and Third floor. Pursuant to the same, the owner / builder



is carrying out the necessary construction work in respect of the subject property, presently.

6. That furthermore, during the recent inspection as carried out by the area field staff of Building Department –I of South Zone – MCD on 30/06/2025, it has also been noticed that the owner / builder is also in the process of constructing RCC wall adjacent to the petitioner's property, in terms of the aforesaid directions. The photographs taken during the said inspection are annexed herewith as **Annexure –D (Colly)** for kind reference and record of this Hon'ble Court.

7. That moreover, it is also stated herein that the area field staff of answering Respondent – MCD is also keeping a strict watch at the subject property and as and when any violation(s) is / are noticed, the necessary action will be initiated / taken immediately under the relevant provisions of DMC Act – 1957.

3. Perusal of the aforesaid Status Report shows that Building Plan has been got sanctioned by the respondents for carrying out the construction in the property in question.

4. Learned counsel appearing for the MCD confirms the fact that construction is being carried out in terms of the Sanctioned Building Plan.

5. Accordingly, the MCD is directed to ensure that construction is carried out by the respondent nos. 3 to 5, in consonance with the Sanctioned Building Plan.



6. Noting the aforesaid, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 18, 2025

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