



\$~6

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

+ W.P.(C) 8491/2025, CM APPL. 36888/2025, CM APPL. 36889/2025
& CM APPL. 36890/2025

VICKY MAKKAR

.....Petitioner

Through: Mr. Rajiv K. Garg, Mr. Ashish Garg,
Mr. R.K. Bedi, Mr. Govind Singh,
Advocates (M:9711735601)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Rakesh Malhotra and Mr. Bharat
Malhotra, Advs. for R-MCD
(Through VC)
Ms. Arti Bansal, Ms. Shruti Goel,
Advocates for R-2/DDA
(M:9999442349)
Email:
artibansalassociates@gmail.com
Mr. Raj Kumar Yadav, SPC with Ms.
Rita Laha, Mr. Ratna Ujjwal Saha,
Advs. for R-SHO
(M: 9818836222)
Email: yadavraj1974@gmail.com
S.I Dharendra Sharma, PS Patel
Nagar, (M: 7013129415)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.07.2025

%

1. The present writ petition has been filed seeking directions to respondent nos. 1 to 3 for restraining respondent nos. 4 to 6 from carrying out any illegal and unauthorized construction in respect of the roof over the



third floor portion of the property bearing No. 25/11, *East Patel Nagar, New Delhi*.

2. The present petition is premised on the ground that the aforesaid construction is being carried out by respondent nos. 4 to 6 without obtaining requisite permission from the competent authority.

3. A Status Report dated 24th July, 2025 has been filed on behalf of respondent no. 1/Municipal Corporation of Delhi (“MCD”), wherein, it has been stated as follows:

“xxx xxx xxx

4. *That a sanction building plan in respect of property no. 25/11, East Patel Nagar, New Delhi vide file No. 65/B/KBZ/2003/61 dated 08.05.2003 had been obtained for raising construction at ground floor, first floor and second floor.*

5. *That the owner/occupier has carried out “unauthorized construction in the shape of excess coverage/deviation against sanction file No. 65/B/KBZ/2003/61 dated 08.05.2003 at ground floor, first floor and second floor and U/C in the shape of entire third floor and part fourth floor” which has been booked u/s 344 (1) and 343 of the DMC Act, 1957 vide file no. 131/C-86/B/UC/KBZ/2025 dated 19.06.2025 and show cause notice issued to owner/builder. The copy of the show cause notice dated 19.06.2025 is annexed herewith as **Annexure-A**.*

6. *That in response to the show cause notice dated 19.06.2025, a reply vide diary no. 6493 dated 02.07.2025 had been received from Sh. Satyakam Pahuja. Consequent upon receipt of the reply opportunity of personal hearings have been afforded to the owner/occupier.*

7. *That the personal hearing was fixed on 16.07.2025 which was attended by Sh. S.M. Sharma, representative of owner/occupiers of part fourth floor of the property. The hearing further fixed for 06.08.2025. A letter no. D/AE(B)/KBZ/2025/1636 dated 22.07.2025 has also been sent to other owner/occupier of other floors of the property to appear on 06.08.2025 in personal hearing. Further action shall be taken in due course of time as per law. Copy of the letter dated 22.07.2025 is annexed herewith as **Annexure-B**.”*

4. A perusal of the aforesaid Status Report shows that the MCD has



already initiated action against the unauthorized construction existing in the property in question.

5. Further, a Show Cause Notice dated 19th June, 2025 has also been issued to the owner/occupier of the building in question and personal hearing is being afforded therein.

6. Accordingly, this Court notes the submission made by learned counsel for the MCD that requisite action shall be taken in accordance with law, after following the due process.

7. Learned counsel for the petitioner submits that the petitioner is satisfied with the action being initiated by the MCD.

8. Considering the aforesaid submissions, it is directed that the MCD is bound to take appropriate action and remove the unauthorized construction existing in the property therein, after following the due procedure, in accordance with law.

9. In case, the owner/occupier of the property is aggrieved by any order passed by the MCD, owner/occupier of the property in question, shall have the right to seek his remedies, in accordance with law.

10. The action taken by the MCD, shall be duly uploaded on the website of the Special Task Force (“STF”), constituted by the Supreme Court, *vide* order dated 24th April, 2018 and 18th July, 2018 in *W.P.(C) 4677/1985*.

11. Accordingly, with the aforesaid directions, the present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

JULY 28, 2025/au