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

+ **W.P.(C) 13043/2023 & CM APPL. 51538/2023**

NEERA JAIN

.....Petitioner

Through: Mr. Surender Kumar Bhasin and Mr.
Sanjay Kumar, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS.

.....Respondents

Through: Mr. Yoginder Handoo, ASC with Ms.
Medha Gaur, Advocate for NDMC
Mob: 7055571237
Email: medhagaur1997@gmail.com
Mr. Sanjay Aggarwal, Advocate for
R-3 (through VC).

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.03.2025

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1. The present writ petition has been filed for directions to the respondents to demolish the illegal structure being constructed by respondent no. 3 at property bearing no. 16/7, Dr. Lane, Near Gole Market, New Delhi -110001.
2. Learned counsel appearing for the respondent no. 1-New Delhi Municipal Council ("NDMC"), draws the attention of this Court to the Status Report filed on behalf of NDMC, wherein, it is stated as follows:



Status Report

A complaint bearing no. 230415134153268231 was received on 15.04.2023, through NDMC 311 App regarding unauthorized construction at subject premise i.e. 16/7 Doctor Lane, Gole Market, New Delhi-110001.

Accordingly, an inspection was carried out of said premises by EBR Department NDMC on 17.04.2023. Photographs taken at the time of inspection are annexed at **Annexure 'A'**. During inspection it was observed that the re-flooring with tiles was in progress at Ground Floor of premise and the malba of old dismantled flooring along with other material was found stacked near the entry of premise in question. The above mentioned work of re-flooring with tiles was in progress at Ground Floor of the said premise for which no building permit is required as the same is allowed and mentioned at para (iii) of clause 2.0.1(d) of UBBL-2016 annexed at **Annexure-'B'**.

Whereas, at first floor of the said premise, a fresh erection of M.S. frame work for making of shed just started. Accordingly a stoppage order u/s 248 of NDMC Act 1994 vide no. 91-92/N/EE(E-BR)/2023 dated 18.04.2023 annexed at **Annexure-'C'** was issued for the following as under :-

Schedule-'A'

1. Carrying out erection of M.S. frame work for shed at first floor of premise no.16/7, Doctor lane, Gole Market, New Delhi, unauthorizedly without prior approval of NDMC.



Subsequently, a show cause notice was issued vide no. 120-21/N/EE(E-BR)/2023 dated 26.05.2023 annexed at **Annexure-'D'** and served to the owner/occupier of the subject premise.

The subject premises was inspected on 28.06.2023 by the EBR Department, during inspection, it was found that the party had completely demolished the unauthorized construction i.e. M.S. frame for shed as mentioned in the show cause notice u/s 247 of NDMC Act 1994 dated 26.05.2023, Photographs annexed at **Annexure-'E'**.

Further a request letter copy annexed at **Annexure-F** was sent to the Department of Architecture & Environs NDMC to provide the sanctioned/completion plan in r/o the said premises to ascertain the deviation with respect to the sanctioned/completion plan, wherein it was informed by the building plan section of the Architect Department NDMC on 30.05.2023 (copy annexed at **Annexure-G**) that no such record is available, with remarks *"In view of the remarks of building plan section there is no such record available. For information please."* There is no site plan / sanctioned plan/completion plan is available in NDMC record hence, it is not possible to verify the old unauthorized construction existing in the said premise.

Again a complaint was received in the NDMC on dated 10-07-2023, regarding illegal construction at the said premise. Accordingly, an inspection was carried out at subject premises on 10.07.2023 (photograph annexed at **Annexure-H**). During inspection it was observed that the re-flooring with tiles was in progress at Ground Floor of the said premise for which no building permit is required as the same is allowed and mentioned at para (iii) of clause 2.0.1(d) of UBBL-2016 annexed at **Annexure-B**.

Again a complaint was made on NDMC 311 App on dated 23-09-2023, accordingly, an inspection was carried out on 24-09-2023 and it was observed that false ceiling work (photographs annexed at **Annexure-I**) was going on for which no building permit is required as the same is allowed as per the para (viii) of clause 2.0.1(d) of UBBL-2016 annexed at **Annexure-B**.

Various inspections was carried out at the said premises on dated 20.05.2023, 28.06.2023, 10.07.2023, 24.09.2023, 03.10.2023, 10.10.2023

(Photographs annexed at **Annexure-J**) and no new unauthorized construction was observed.



3. Perusal of the aforesaid Status Report shows that it is the clear stand of the NDMC that upon inspection of the property in question, all the unauthorised construction that had been found by the NDMC, has already been demolished by respondent no. 3.
4. Per contra, learned counsel appearing for the petitioner submits that the NDMC has stated that it does not have copy of the site plan/sanction plan of the property in question. Thus, it is not possible to verify the old unauthorised construction existing in the said premises.
5. Thus, he submits that further action needs to be taken.
6. On a pointed query, learned counsel appearing for the petitioner admits that there are many pending disputes between the petitioner and respondent no. 3. He further submits that various other cases are pending between the petitioner and respondent no. 3.
7. Learned counsel appearing for the NDMC submits that the NDMC is satisfied that there is no new unauthorised construction, existing in the property in question.
8. Further, no fresh construction is being carried out by respondent no. 3.
9. Considering the aforesaid submissions made before this Court, it is to be noted that this Court will not be made a tool by any party, in order to settle scores with each other in their private disputes.
10. The process before this Court cannot be used for the purposes of scoring over one another.
11. Considering the Status Report filed on behalf of the NDMC, and the submission made before this Court by learned counsel appearing for NDMC, this Court is of the view that the prayer as sought in the present petition, stands satisfied.



12. Accordingly, in view thereof, noting the action already taken on behalf of the NDMC and the submission made by learned counsel appearing for the NDMC, the present petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025
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