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

+ **W.P.(C) 11425/2024**

MUKESH PHUTELA & ORS.

.....Petitioners

Through: Mr. Sunil Sirohi, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

THROUGH ITS COMMISSIONER & ANR.

.....Respondents

Through: Mr. Ashutosh Gupta, Advocate for
Respondents/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.02.2025

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1. By this writ petition Petitioners seek a direction to Respondents No.1 and 2 to permanently de-seal property bearing No. E-16/644, Bapa Nagar, Tank Road, Karol Bagh, New Delhi to allow the Petitioners to retain the foundation structure of the Basement and re-construct the building as per sanction plan dated 21.11.2023 which includes the Basement.
2. Learned counsel for the Petitioners submits that MCD be directed to de-seal the property so that Petitioners are able to re-construct the same as per the building plan already sanctioned in their favour. It is also urged that the Basement which exists in the property is in consonance with the building plan and the remaining part of the building which was unauthorised has been self-demolished by the Petitioners.
3. Learned counsel for MCD, on the other hand, submits that the



sanction plan obtained by the Petitioners is not correct as a number of documents were not furnished at that point in time by the Petitioners and there are number of discrepancies and deficiencies in the same. According to the counsel, Basement is not permitted as per the applicable bye laws. As far as the existing construction is concerned, it is submitted that after carrying out the demolition, Petitioners have not removed the *malba* and therefore, the exact status of the property cannot be ascertained at this stage.

4. After hearing the counsels for the parties and looking at the points of disputes in question and with the consent of the parties, it is directed that MCD shall de-seal the subject property for a period of 30 days from today to enable the Petitioners to remove the *malba* lying in the property, as also to self-demolish the columns on the Ground Floor and the Basement. Property will be re-sealed thereafter.

5. Petitioners are permitted to apply for a fresh sanction plan for the proposed building and as and when the building plan is sanctioned by MCD, Petitioners may move an application before MCD for de-sealing the property for the purpose of construction in consonance with the sanction plan.

6. Writ petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 24, 2025

B.S. Rohella