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

+ W.P.(C) 12761/2025, CM APPL. 52126/2025 & CM APPL. 52127/2025

GAUTAM GUPTA

.....Petitioner

Through: Mr. Vikas Tomar, Mr. Uzail Elahi,
Mr. Arijeet Banerjee, Advocates
(M:9958002005)
Email: ilp@ilp.co.in

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Puneet Yadav, Standing Counsel-
MCD (M:9999388384)

Email:puneetyadavadvocate@gmail.com

Ms. Sangeeta Bharti, SC-DJB with
Ms. Malvi Balyan, Advocates for R-2
(M:9811112863)

Email:sangeetbharti@gmail.com

Mrs. Suruchi Mittal, Mr. Shubham
Soni, Advocates for R-3
(M:9811000519)

Email:suruchi.m14@gmail.com

Mr. Prashant Joshi, Ms. Tanvi, Ms.
Srishti, Mr. Sarthak Chugh,
Advocates for R-6 (M:8851682678)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.08.2025

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1. The present writ petition has been filed seeking directions to the respondent no. 1 to 4, to prevent and demolish the unauthorized and illegal construction carried out by respondent no. 6 in the front and side setbacks in the front portion of Ground Floor and First Floor of property bearing no. M-



5, Hauz Khas, New Delhi-110016.

2. Learned counsel for the petitioner has drawn the attention of this Court to the photographs attached with the present petition to submit that the unauthorized construction has been done on the setback despite the fact that the property in question is within 100 meters of a protected monument.

3. Responding to the present petition, learned counsel for respondent no.1, i.e., Municipal Corporation of Delhi (“MCD”), submits that the property in question was inspected today, i.e., 22nd August, 2025 and has been booked. He submits that the requisite action shall be taken after following due procedure, in accordance with law.

4. Mr. Sachin Tayal, respondent no. 6 appears in person, along with his father, Mr. Ram Bhagat Tayal.

5. Respondent no. 6, as well as his father, Mr. Ram Bhagat Tayal categorically submit before this Court that they shall not carry out any unauthorized construction and that any construction that is required to be carried out by them, shall only be done so after taking due permission in accordance with law.

6. The aforesaid statement is taken note of.

7. Accordingly, the MCD is held bound to take action against the property in question, in case there is any unauthorized construction existing in the property, in accordance with law, after following due procedure and in a time bound manner, preferably within a period of three months from today.

8. Further respondent no. 6 is directed not to carry out any unauthorized construction in the property in question.

9. It is clarified that any construction to be carried out by respondent no.



6, shall be carried out only after due permission from the requisite authorities, in accordance with law.

10. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.

AUGUST 22, 2025/au

MINI PUSHKARNA, J