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

+ W.P.(C) 12838/2025, CM APPL. 52375/2025, CM APPL. 52376/2025 & CM APPL. 52377/2025

SURENDER MOHAN GOEL

.....Petitioner

Through: Mr. Arun Vohra, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Mr. Umakant Mishra, SC for R-1
Mr. Lalit Gupta, Mr. Anmol Ghai and
Ms. Ishita Nautiyal, Advs. for R-6 to
11
Mr. Ankush Narang and Ms. Ritika
Godhwani, Advs. for R-3 to 5
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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25.08.2025

1. The present writ petition has been filed seeking directions to the respondent no.1, i.e., Municipal Corporation of Delhi ("MCD"), to stop the unauthorized and illegal construction activity being carried out by respondent nos. 2 to 11 at the property bearing no. (*Private No. 58/2*), *Banarsi Dass Estate, Timar Pur, Delhi-110054*.
2. Responding to the present writ petition, learned counsel appearing for respondent nos. 6 to 11, submits that there is a valid Sanctioned Building Plan in favour of the predecessor-in-interest of the site of question, on the



basis of which, the construction is being undertaken.

3. At this stage, learned counsel appearing for the petitioner submits that the property of the petitioner as well as the respondents, was initially admeasuring 627 sq. yds, which was further divided amongst the co-owners into three plots of 209 sq. yds. each. Thus, it is submitted that the respondent nos. 6 to 11, are carrying on construction on the basis of 300 Floor Area Ratio (“FAR”), whereas, the permissible FAR for property measuring 627 sq. yds. ought to be 225. It is submitted that the petitioner has apprehension that his share of the FAR shall not be granted to him in a similar manner as has been granted to respondent nos. 6 to 11.

4. Learned counsel appearing for the petitioner also draws the attention of this Court to the letter dated 29th July, 2025, issued by the Office of Executive Engineer (Building)-I, Civil Lines Zone, MCD to the Station House Officer (“SHO”), Police Station Timar Pur, whereby, a Work Stop Notice dated 05th August, 2025, was issued.

5. Responding to the present petition, learned counsel appearing for the MCD submits that construction in the property in question is being carried out as per the Sanctioned Building Plan.

6. Learned counsel appearing for respondent no.1-MCD submits that the present petition would not be maintainable as the construction is being carried out on the basis of a Sanctioned Building Plan. Thus, it is submitted that if the petitioner has any grievance as regards Sanction Building Plan in question, the petitioner ought to file an appeal before the Appellate Tribunal, MCD (“ATMCD”), in terms of Section 347B of the Delhi Municipal Corporation Act, 1957 (“DMC Act”).

7. He further submits that the petitioner himself got his property



regularized, meaning thereby, that the plot of the petitioner was treated independently.

8. Learned counsel appearing for respondent no.1-MCD further submits that construction is being done by respondent nos. 6 to 11, on the basis of a plan which was sanctioned under the Saral Scheme. He submits that as and when the petitioner herein applies for sanction of a building plan, he shall be entitled to similar FAR, as per the norms applicable at the time when the petitioner applies for such sanction of plan.

9. At this stage, learned counsel appearing for respondent nos. 6 to 11 submits that the three plots of 209 sq. yds. each, have been existing prior to the layout plan of the area in question. Thus, all the three plots are to be treated separately.

10. The submissions made by the respondents are disputed by learned counsel appearing for the petitioner, who submits that though the plot in question may have been sub-divided, the three sub-divided plots are to be treated as one plot. He, thus, submits that FAR has to be apportioned to all the plots, accordingly.

11. Considering the submissions made before this Court, it is manifest that the construction by respondent nos. 6 to 11 is on the basis of the Sanctioned Building Plan obtained from the MCD by their predecessor-in-interest.

12. Thus, in case the petitioner has any grievance with the sanction of plan in favour of the predecessor-in-interest of respondent nos. 6 to 11, the petitioner has an efficacious remedy to file an appeal before the ATMCD.

13. Accordingly, noting the aforesaid, liberty is granted to the petitioner to approach the ATMCD, in accordance with law. All the rights and



contentions of the parties are left open.

14. Considering the submissions made before this Court, the issue as regards apportionment of FAR for the three plots, and entitlement of each of the three plot owners to 300 FAR, will have to be considered and decided by the MCD, which issue would be material before the ATMCD.

15. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 25, 2025/KR