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

+ **W.P.(C) 12980/2025 & CM APPL. 53092/2025**

GIRISH PAPNEJA

.....Petitioner

Through: Mr. Rishi Manchanda, Advocate
along with Mr. Arun Kumar, Mr.
Amit Jain and Mr. Lakhan Gupta,
Advocates (through VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Akanksha Gupta, SPC for MCD

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Mr. Mandeep Singh and Mr. Rohan
Khanna, and Mr. Arvind Yadav,
Advocates for R-3

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.10.2025

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1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2, to take appropriate action against respondent no. 3 for encroachment and non-adherence of safety norms during the construction of the property bearing *No. B-4/11, Vasant Vihar, New Delhi-110057*.

2. A Status Report has come to be filed on behalf of Municipal Corporation of Delhi ("MCD"), relevant portions of which, are extracted as below:



3. That the instant Petition has been filed by the petitioner, seeking directions to respondent nos. 1 and 2, to take appropriate action against respondent no. 3 for encroachment and non-adherence of safety norms during the construction of the property bearing No. B-4/11, Vasant Vihar, New Delhi – 110057.
4. That considering the aforementioned relief of the petitioner, so as to ascertain the status of the subject property, the same has been got inspected through area field staff of Building Department –I of South Zone –MCD and also referred to the record maintained and available with the department.
5. That on inspection and referring to the record, it has been revealed that Vide ID No. 20016633 dated 14/01/2025, the Building Plans in respect of the subject property have been sanctioned by the Professional through Online-Mode for purpose construction of residential building having Stilt, Ground floor to Third floor. The applicants and Professionals also uploaded the common application form (CAF), Supervision Form regarding supervising the construction work, E-Undertakings / Self Declarations and other documents, drawings etc. under their signatures, as mandated under the Building Bye-Laws -2016. The copy of the sanctioned letter along with sanctioned plan are annexed herewith as **Annexure –A (Colly)**.
6. That further during the inspection of the subject property on 26/08/2025, it has been noticed by the area field staff that the construction at site has



been started by the owner / builder pursuant to the sanctioned building plan already obtained. However, upon noticing the violations of the Hon'ble National Green Tribunal order dated 10/01/2015 passed in Vardhman Kaushik VS UOI & Ors. – OA No. 21/2014 and Sanjay Kulshreshtha Vs UOI & Ors. – OA No. 95/2014, Order under section 337 of DMC Act, 1957 read with section 15 of the National Green Tribunal Act, 2014, has been passed with the directions to the owner / builder to deposit the compensation amounting to Rs. 25,000/- in terms of the said order . The copy of the orders bearing No. 80/AE(B)/SZ/2025 dated 26/08/2025 in this regard is annexed herewith as

Annexure –B.

7. That moreover, as per record, it has also been revealed that during the process of Sanction of Building Plans, the applicants, Architect and Structural Engineer has also submitted an E-Undertaking / Self –Declaration for ensuring the structural safety of the property.
8. That nevertheless a letter bearing No. D/1098/AE(B)-I/Bldg/SZ/2025 dated 01/10/2025 has been issued to Applicants, Architect and Structural Engineer with the directions to take preventive / corrective measures at the earlier , to ensure that adequate structural safety measures are taken at site and conditions of sanctioned building plan and Indemnity Bond are duly complied with by them in terms of the letter. Copy of the said letter dated 01/10/2025 is annexed herewith as



Annexure –C for kind ready reference of this Hon'ble Court.

9. That furthermore, in order to ascertain the latest site position of the subject property, the same has been again inspected on 06/10/2025 and on inspection, it has been noticed that presently the owner / builder has carried out the construction of Stilt floor, Ground floor and First floor which is pursuant to the aforementioned sanctioned building plan as obtained. The photographs showing the latest status of the subject property are also annexed herewith as Annexure –D (Colly)

10. That moreover, it goes without saying that the area field staff of Building Department –I of South Zone-MCD is keeping regular watch over the subject property and immediately upon noticing any violation of the sanctioned building plan already obtained, the necessary action will be taken under the relevant provisions of DMC Act/ as per law.

3. Perusal of the aforesaid Status Report shows that the respondent no. 3 had obtained a Sanctioned Building Plan from the MCD on 14th January, 2025. Subsequently, during the inspection, deviations were noticed by the MCD. However, as per the Status Report, when the property was again inspected on 06th October, 2025, it was found that the construction being carried out by respondent no. 3, is as per the Sanctioned Building Plan.

4. Accordingly, it is directed that any further construction done by respondent no. 3, shall be strictly in accordance with the Sanctioned Building Plan.



5. The MCD is directed to ensure that there are no deviations and excess coverage in the construction, in violation of the Sanctioned Building Plan.
6. Accordingly, no further orders are required to be passed in the present writ petition.
7. The present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

OCTOBER 9, 2025

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