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

+ W.P.(C) 14589/2025 & CM APPL. 59845/2025

NARESH

.....Petitioner

Through: Mr. Samman Vardhan Gautam,
Advocate
Mob: 7717730165
Email: officeofsammangautam@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Rohit Kathuria and Mr. Dhruv
Varma, Advocates for R-1
Mr. Rishabh Sahu, SPC with mr.
Sameer Sharma, Mr. Vikash
Chauhan, Advocates for R-3
Mr. Shashi Pratap Singh, Ms. Shagun
Sabharwal and Mr. Adhiraj Singh,
Advocates for R-4
Mob: 9560536975
Email: shashipratapadv@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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18.11.2025

1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to take action against the illegal and unauthorized construction being carried out at properties bearing nos. 4779-4782, *Gali No. 45-46, Regharpura, Karol Bagh, New Delhi-110005*.
2. A Status Report dated 12th November, 2025, has been filed on behalf



of Municipal Corporation of Delhi (“MCD”), a copy of which, has been handed over to the Court, and the same is taken on record.

3. The relevant portions of the Status Report filed on behalf of the MCD, read as under:

“xxx xxx xxx

3. That as per record of Building Department, Karol Bagh Zone, MCD one Sanction Building Plan Vide ID No. 10042525 dated 16.09.2017 had been obtained under SARAL Scheme by Registered Architect/Engineer/Supervisor in the name of Sh. Santosh Aggarwal for Khasra No. 1011, Block-H, Municipal No. 4779 to 82, Basti Regar, Karol Bagh, New Delhi for a plot area of 41.769 sqm with attributes Basement, Stilt, Ground Floor, First Floor, Second Floor and Third Floor with permissible FAR and Ground Coverge @ 350% and @90% respectively.
4. That another Sanction Building Plan Vide ID No. 10042425 dated 13.09.2017 had been obtained under SARAL Scheme by Registered Architect/Engineer/Supervisor in the name of Sh. Santosh Aggarwal for Khasra No. 1012, Block-H, Municipal No. 4779 to 82, Basti Regar, Karol Bagh, New Delhi for a plot area of 41.769 sqm with attributes Ground Floor, First Floor, Second Floor and Third Floor with permissible FAR and Ground Coverge @ 350% and @90% respectively. Both the Sanction Building Plan had been obtained for raising contruction for residential purpose.



3. That in order to file the status report in the present matter the above properties had been inspected by the concerned JE(B)/KBZ and it was found that the construction in both the plots have been carried out by amalgamation of two properties whose Sanction Building Plan were sanctioned separately. Accordingly, appropriate action u/s 344 (1) and 343 of the DMC Act, 1957 had been initiated and the Property/Khasra No. 1011, Block-H, Municipal No. 4779 to 82, Basti Regar, Karol Bagh, New Delhi and Property/Khasra No. 1012, Block-H, Municipal No. 4779 to 82, Basti Regar, Karol Bagh, New Delhi have been booked for *"unauthorized construction in the shape of amalgamation of two properties whose plans were sanctioned vide ID No. 10042425 and 10042525 for Basement, Ground Floor, First Floor, Second Floor and Third Floor. Further, unauthorized construction in the shape of Fourth Floor with projections on Govt. Land"* Vide File No. 227/C-83/B/UC/KBZ/25 dated 10.11.2025 and a Show Cause Notice dated 10.11.2025 has been issued to Owner/Occupier/Sh. Santosh Aggarwal. Copy of the Show Cause Notice dated 10.11.2025 is annexed herewith as **Annexure-A.**



6. That at the time of inspection neither any fresh construction activity was noticed nor any building material was found stacked at site. The Basement and Ground Floor of the property was found locked. However, it was noticed that First Floor, Second Floor, Third Floor and Fourth Floor of the properties are being used for commercial purpose by Gold Jewellery making in violation of the MPD-2021 and applicable Rules, therefore, appropriate action u/s 345A r/w Section 347 of the DMC Act, 1957 has been initiated and a show cause notice vide no. D/EE(B)/KBZ/2025/520 dated 11.11.2025 has been issued to Sh. Santosh Aggarwal /Owner/Occupier/(Gold Jeweller Making). Further action in the matter in due course to time shall be taken as per law. Copy of the Show Cause Notice Vide No. D/EE(B)/KBZ/2025/520 dated 11.11.2025 is annexed herewith as **Annexure-B.** „

4. Perusal of the aforesaid Status Report shows that the unauthorised construction in the properties in question, has already been booked, and a Show Cause Notice under Section 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (“DMC Act, 1957”), has been issued to the owner/occupier of the properties in question, on 10th November, 2025.

5. Further, a Show Cause Notice under Section 345A, read with Section 347 of the DMC Act, 1957, has also been issued to the owner/occupier of the property in question, on 11th November, 2025.

6. Perusal of the aforesaid Status Report also shows the stand of the MCD that during the time of inspection of the properties in question, neither any fresh construction was noticed, nor any building material was found at



site.

7. At this stage, learned counsel appearing for the petitioner draws the attention of this Court to the photographs attached as *Annexure P-3* to the present writ petition, to submit that there was ongoing construction at the properties in question. Further, he has handed over to this Court a copy of the photographs to show that the construction in the properties in question has since been completed.

8. However, the aforesaid fact is disputed by learned counsel appearing for respondent no. 4, who submits that the photographs attached with the writ petition are old photographs, and that the same are undated.

9. He further submits that the said photographs are old photographs, when some repair works were going on in the properties in question.

10. This Court shall not go into any disputed questions of fact.

11. Considering the fact that the MCD has already booked the properties in question, it is directed that requisite action shall be taken by the MCD, after following the due procedure, in accordance with law.

12. Further, the MCD shall ensure that no unauthorised construction takes place in the properties in question.

13. With the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

NOVEMBER 18, 2025
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