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

+ **W.P.(C) 5615/2026, CM APPL. 27553/2026 & CM APPL. 27554/2026**

GIRISH AGRAWAL

.....Petitioner

Through: Mr. Archit Krishna and Mr. Ashutosh Shukla, Advocates.
Petitioner-in-person.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Neeraj Kumar, Advocate for R-1/MCD.
Mr. Amit Dhankhar, Advocate for R-2.
Mr. Niraj Kumar and Mr. Chaitanya Kumar, Advocates for Delhi Police.
Mr. Samman Vardhan Gautam, Mr. Lokesh Chopra, Mr. Shrey Gupta, Ms. Pooja Sharma, Ms. Khushi Sharma, Mr. Priyam Tiwari and Ms. Anshika Priyadarshini, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **28.04.2026**

CM APPL. 27554/2026 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 5615/2026

2. The petitioner, who is one of the residents of the property bearing no. E-23, Greater Kailash- I, New Delhi-110048, has filed the present petition



alleging unauthorised excavation being carried out at the adjoining plot being *E-25, Greater Kailash- I, New Delhi-110048* (hereinafter ‘subject property’).

3. It is stated that the said excavation has been carried out in violation of the Unified Building Bye Laws for Delhi, 2016, as well as the plan sanctioned by the MCD. The said excavation has caused damage to the foundation of the property of the petitioner. Photographs have been filed to show that cracks on account of excavation have emerged in the building of the petitioner.

4. Notice in the petition was issued on 24th April, 2026 and the respondent no.1/MCD was directed to furnish a report on whether construction is being carried out in accordance with the Unified Building Bye-Laws for Delhi, 2016.

5. An affidavit has been handed over on behalf of the respondent no.1/MCD in Court today. The same is taken on record.

6. In terms of the aforesaid affidavit, the building plan for property E-25, Greater Kailash-I, was approved on 16th February, 2026. Along with an application seeking sanction of building plans, an indemnity bond was submitted by the owner/occupier of the said premises for taking necessary steps to avoid damage to the surrounding properties. On 22nd April, 2026, a communication was sent by MCD to the Architect/Structural Engineer to take all necessary and mandatory structural safety measures during the course of the construction work. On inspection of the said property, it was noted that excavation work has been going on in an unauthorized manner. Consequently, a Show Cause notice dated 25th April, 2026 was issued to the builder/owner/occupier.



7. A response communication has been issued by the owner of the said premises, i.e. Ms. Pooja Gupta, on 27nd April, 2026, stating that they will adhere to the sanctioned building plan. Paragraphs 7, 8 and 9 of the said response are set out below:-

“7. We assure you that all structural safety measures are being taken care by us and we are fully responsible for all the conditions of the building plan sanction conditions and indemnity bond as already filled and submitted to you.

8. We hereby, reiterate, that if any damage is caused to the neighbours buildings due to our construction activities, we shall bear the get it repaired at our cost immediately. Our contractors are M/s Tower Bridge Developers and they are responsible for the construction of the company as per agreement dated 28/02/2026. If any communication regarding construction is required then the contractors will communicate with your department immediately.

9. That the entire construction as per the sanction plan issued by your department and all safety norms are being carried out within the parameters of the sanction plan and affidavit given by us. Further instructions if any issued by your department will be carried out immediately.”

8. Mr. Samman Vardhan Gautam, counsel appearing on behalf of the private respondent no.3, submits that the respondents shall inspect the premises of the petitioner and promptly carry out all remedial work so as to ensure that no damage is caused to the property of the petitioner. Steps shall also be taken to remedy the damage already caused to the petitioner's property.

9. In this regard, the services of an independent Structural Engineer shall be engaged by the respondent no.3, who will recommend measures that are required to be taken in a time-bound manner for the repair/rehabilitation of the property of the petitioner.

10. Taking the aforesaid submissions on record and binding the respondent no.3 to the same, the present writ petition stands disposed of in the above terms.



11. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to take appropriate remedies in accordance with law.

12. All rights, contentions and legal remedies of the parties are kept open.

AMIT BANSAL, J

APRIL 28, 2026

Vivek/-