



\$~43

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

+ **W.P.(C) 6238/2026 with CM APPL. 30564/2026 and CM APPL. 30565/2026**

SUDESH VIG

.....Petitioner

Through: Mr. Rajiv Bajaj, Mr. Naman Arora,
Mr. Shubham Bhati and Mr. Vishant
Prakash, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Kunal Rawat, Advocate for R-1.
Mr. S.C. Singhal, Advocate for R-2.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
07.05.2026**

%

1. The present writ petition has been filed seeking the following reliefs:
 - a) Issue a Writ of Certiorari or any other Writ/Order/Direction to direct Respondents to setting aside Impugned Order dated 12.03.2026 passed by Ld. Principal District and Sessions Judge, Central District, Tis Hazari Courts, Delhi, in MCD Appeal No. 09 of 2026 titled as 'Sudesh Vig Versus Municipal Corporation of Delhi & anr.' as well as quashing the notice dated 28.04.2026 issued by Respondent No. 1;
 - b) Stay the operation, implementation and execution of the impugned order dated 12.03.2026 and the notice dated 28.04.2026 during the pendency of the present writ petition;
2. It is the case of the petitioner that the petitioner has been living in the



property bearing *no.11302-03, Doriwalan, Karol Bagh, New Delhi* since 1965. The building plan was sanctioned on 8th February 1967.

3. A writ petition being W.P.(C) 1791/2015 was filed on behalf of respondent no.2 seeking a direction to the respondent no.1/MCD to close the unauthorized opening in the property of the petitioner which faces the property of respondent no.2. The said writ petition was disposed of *vide* order dated 19th March, 2015. The relevant extracts from the said order are set out below:

Be that as it may, essentially, the grievance of the petitioner is with regard to the openings which are alleged to be contrary to the building byelaws. In the given circumstances, it is directed that the respondent shall consider the present petition as a representation and pass a speaking order after hearing all concerned parties, within a period of 12 weeks from today. If it is found that the openings are unauthorized, the respondent shall initiate such action as may be available in law.

4. Pursuant to the aforesaid order, a speaking order was by the MCD on 1st September, 2015. The relevant extracts from the speaking order are set out below:

As far as the replies and documents submitted by Shri Amar Nath Vig and others the same only establish the ownership and possession of the property. Except a document i.e. Partition Deed that too of 2005 there is no clear document establishing the existence of the property. One thing is very clear that the entire construction which has been raised in the property of Shri Amar Nath Vig and others is unauthorised being raised without any sanctioned building plan and they also do not depict the date of emergence of the said construction. As the construction existing in the property is prior to 2007 as is reflected from the Partition Deed, thus the property is exempted from punitive action in view of the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 upto 31.12.2017 and thus the action is kept in abeyance.



The replies as well as the documents produced by Shri Amar Nath Vig are of no assistance or justify as far as the window/opening made towards the property No.14-A, New Rohtak Road, Karol Bagh, New Delhi is concerned. In any event the openings towards the property of others cannot be termed to be legal and valid inasmuch as no body can be permitted to enter into the privacy of others in the name of free light and air. Even otherwise, as per the Unified Building Bye-laws, 1983, opening made towards the property of others cannot be permitted to exist and the same should be closed forthwith.

5. This order was challenged by the petitioner before the Appellate Tribunal MCD ('ATMCD'). However, the appeal filed by the petitioner was dismissed on 15th October, 2025. Paragraph 5 of the said order is set out below:

5. As per UBBL 2016, under chapter II, 2.0.1 (d)(iv), any opening towards others property/public property is not permitted. The window/opening of the appellant admittedly is towards the property of respondent no. 2. The appellant has failed to submit any document including sanctioned building plan to show that he was authorized to have opening towards the property of respondent no. 2. Parties were provided personal hearing by the respondent no. 2 as per the directions of Hon'ble High Court given in writ petition no.1791/15. After considering the material submitted by the parties and after hearing them personally the speaking order dated 01.09.2015 was passed. In this order it is specifically noted that vigilance department of MCD gave report that there is no unauthorized construction in property no. 14-A, and the appellant has opened window towards property 14-A against the provisions of DMC Act. The Law does not permit the appellant to open window/unauthorized opening towards the property of respondent no.2. The impugned order is well

6. The petitioner filed another appeal before the Principal District and Sessions Judge, Central District, Tis Hazari Courts, Delhi which was dismissed *vide* order dated 12th March, 2026 on the ground that the appeal was time barred. Thereafter, a communication dated 28th April, 2026 was



sent by MCD to the petitioner directing the petitioner to close down the window/opening towards the property of respondent no.2.

7. The aforesaid orders have been challenged in the present writ petition.

8. Mr. Rajiv Bajaj, counsel appearing on behalf of the petitioner, submits that in terms of the sanctioned plan for the petitioner's property, the windows were permitted. He has drawn attention of the Court to the sanction plan (Annexure-P7 to the writ petition).

9. In my considered view, the aforesaid sanctioned plan does not, in any manner, show that the petitioner was permitted to have openings towards the property of respondent no.2.

10. The ATMCD in its order dated 15th October, 2025 has clearly said that in terms of Unified Building Byelaws, 1983 any window/opening towards another property is not permitted. It has further been observed that the petitioner failed to submit any document, including the sanctioned plan to show that he is authorized to have the window/opening towards the property of respondent no.2.

11. In light of the aforesaid findings, no grounds for interference are made out.

12. Accordingly, the present writ petition is dismissed.

AMIT BANSAL, J

MAY 7, 2026

Rzu