



\$~5

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

+ **W.P.(C) 19238/2025 & CM APPL. 80269/2025**

RAHUL AGGARWALPetitioner

Through: **Mr. Rishi Manchanda, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: **Mr. Rohit Kathuria & Ms. Nikita Dubey, Advocates for R-1.**

Mr. Dhruv Varma and Ms. Nikita Dubey, Advocates for R-1 (Through VC)

Mr. O.P. Aggarwal & Mr. Ashish Aggarwal, Advocates for R-2 & 3. (Through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

23.04.2026

1. The present writ petition has been filed seeking directions to the respondent no.1/MCD, to take action against the illegal and unauthorised construction having been carried out by the respondents no.2 and 3 in the property bearing No. 1/6940, *East Rohtas Nagar, Near Gurdwara, Shahdara, Delhi-110032.*
2. Counsel appearing for the petitioner submits that the subject property is a 150 sq. yards property and that the petitioner stays in one portion of the said property.
3. An affidavit has been filed on behalf of the respondent no.1/MCD. The relevant extracts from the said affidavit are set out below:



3. It is submitted that the subjected site has been inspected by the concerned Junior Engineer (Building) on 31.12.2025 and it has been observed that the property No. 1/6940, East Rohtash Nagar, Near Gurudwara, Shahdara, Delhi-32 consists Ground Floor and partly First Floor. During the site inspection, at Ground Floor, 06 rooms including 02 bathrooms, at First Floor 02 rooms including 01 bathroom. The observations are:-
- (a) No any structural modifications observed but some plastering work and renovation work has done recent past at First Floor.
 - (b) Replacing of doors and replacing of windows.
 - (c) Flooring work, in one room a platform work has been done in recent past.
5. It is further submitted that a reply has also submitted by the owner of 1/6940, East Rohtash Nagar with few documents. As per electricity bill, the energisation date is 08.08.2006 with the name of Lalit Aggarwal. In reference to plaintiff's petitions, photographs on page 15 & 16, a bathroom was plastered and door was replaced (which was earlier un-plastered). In reference to page 17, a CC platform of width 2 feet and length 5 feet was constructed in existing room. In reference to page 22 & 23, a ventilator and window has been replaced (due to existing ventilator and window are in deteriorated condition). Some photographs of First floor are enclosed:-
- (a) Front portion of property from outside is annexed as Annexure R-1.
 - (b) Room and bathroom (window & ventilator) is annexed as Annexure R-2.
 - (c) Existing staircase from Ground Floor to First Floor is annexed as Annexure R-3.
 - (d) Electricity Bill of energisation date is 08.08.2006 is annexed as Annexure R-4.



4. In light of the aforesaid affidavit, it cannot be conclusively said whether any fresh construction has been carried out by the private respondents no.2 and 3, or it is in the nature of repair and renovation of the existing structure.
5. These are disputed questions of fact that cannot be determined in the present writ petition.
6. It is not disputed that there is an ongoing civil suit between the petitioner and the private respondents.
7. Hence, the present writ petition is disposed of, while giving liberty to the petitioner to take appropriate remedies available in law.
8. Pending application stands disposed of.

AMIT BANSAL, J

APRIL 23, 2026
at