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

% **Date of Decision: 19th September, 2025**

+ **W.P.(C) 11253/2025 & CM APPL. 46248/2025**

KRISHNA DEVI AND ORS.

.....Petitioners

Through: Mr. Pardeep Gupta, Mr. Parinav Gupta, Ms. Mansi Gupta, Mr. Harshvardhan Lodhi, Advocates
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Email: parinav_gupta@yahoo.com

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Bharat Malhotra, Advocate for MCD
Mob: 8447151507
Email: bharatmal2@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking quashing of the Show Cause Notice dated 25th June, 2025, issued by respondent no. 2 and the notice dated 17th July, 2025, issued under Section 345 read with Section 347 of the Delhi Municipal Corporation Act, 1957 ("DMC Act").
2. This Court notes that a Status Report dated 15th September, 2025, has been filed by the Municipal Corporation of Delhi ("MCD"), relevant portions of which, are reproduced as under:



“xxx xxx xxx

3. That the Plot No. XIV/8731, New, Shidipura, Karol Bagh, New Delhi is a single plot measuring approximately 496.60 sq yds. As per record, five Sanction Building Plan for parts of the plot have been obtained by different owners under SARAL Scheme through Regd. Architect/Engineer/Supervisor.
4. That as per record, two sanction building plan in respect of part property bearing no. XIV/8731, New Shidipura, Karol Bagh, New Delhi had been obtained in the present matter.
5. That as per record, Sh. Manish Gupta and Sh. Ashish Gupta had obtained sanction building plan in respect of part property no. XIV/8731, New Shidipura, Karol Bagh, New Delhi vide online ID No. 20003148 dated 15.07.2023 through the Regd. Architect/Engineer/Supervisor namely Sh. Subham Kumar Mogha having Registration No. (se/0865) and Sh. Lalit Kumar having License No. (s/00350) for construction of building under SARAL Scheme for a plot area of 51.03 sqm with attributes ground floor, first floor, second floor and third floor with permissible ground coverage and FAR @ 90% and 350% respectively. Subsequently, the grant of occupancy-cum-completion certificate had also been obtained under SARAL Scheme through registrar Architect/Engineer/Supervisor namely Sh. Subham Kumar Mogha having license no. (e/00933) vide ID No. 20003148 dated 19.09.2024.
6. That Smt. Manisha Gupta and Smt. Krishna Devi had obtained another sanction building plan in respect of part property no. XIV/8731, New Shidipura, Karol Bagh, New Delhi vide online ID No. 20009971 dated 03.04.2024 through the Regd. Architect/Engineer/Supervisor namely Sh. Narinder Sharma having Registration No. (se/0630) and Sh. Lalit Kumar having



License No. (s/00350) for construction of building under SARAL Scheme for a plot area of 72.68 sqm with attributes ground floor, first floor, second floor and third floor with permissible ground coverage and FAR @ 90% and 350% respectively. Subsequently, the grant of occupancy-cum-completion certificate had also been obtained under SARAL Scheme through registrer Architect/Engineer/Supervisor namely Sh. Subham Kumar Mogha having license no. (e/00933) vide ID No. 20009971 dated 13.09.2024.

7. That subsequently, several complaints had been received against the alleged unauthorized construction being carried out in the property. The documents/plans uploaded at the time of obtaining Santion Building Plan and relevant record was checked and it was found that the both the above sanction building plan and subsequent Occupancy-Cum-Completion Certificate have been obtained for part properties of a single plot which is not permissible. It is further submitted that five different Sanction Building Plan including above two Sanction Building Plan have been obtained for parts of a single plot. It is evident that the Sanction Building Plans (total five in numbers) have been obtained for a single plot without inclusion or incorporation of individual plots in the layout plan.

8. That, therefore, a Show Cause Notice vide no. D-308/EE(B)/DC/KBZ/2025 dated 25.06.2025 u/s 338 of the DMC Act, 1957 had been issued to Sh. Manish Gupta & Sh. Ashish Gupta, Smt. Manisha Gupta & Smt. Krishna Devi,



Owner/Occupiers/Builder and professionals to show cause as to why the Sanction Building Plans under SARAL Scheme obtained vide online ID No. 20003148 dated 15.07.2023 and 20009971 dated 03.04.2024 and Occupancy-Cum-Completion Certificate vide ID No. 20003148 dated 19.09.2024 and 20009971 dated 13.09.2024 may not be revoked. (The proceedings u/s 338 of the DMC Act, 1957 for another three parts property Sanction Building Plan had been initiated separately).

9. That reply to the show cause notice dated 25.06.2025 had been received. The opportunity of personal hearing had also been afforded to the Owner/Occupier/Professionals. During hearing proceedings, it was also noticed that property is located on notified commercial road and the Sanction Building Plan of the property can not be obtained under SARAL Scheme as per Office Order no. D/304/COM/SDMC/2022 dated 22.08.2022. The Regd. Architect also admitted that he has made a mistake in obtaining a Sanction Building Plan.

10. That finally as per available documents submitted at the time of sanction. During the course of hearing and reply submitted by registered Architect it was found that the two Sanction Building plans were sanctioned for the same property bearing no. XIV/8731, New Shidipura, Karol Bagh, New Delhi. The property is a larger single plot and sanction was obtained in five parts. The noticee in the present matter have got the building plan sanctioned for parts plots with Ground Coverage and FAR



@90% and 350% respectively and thus violated the provisions of MPD-2021. Further the subject property also abuts notified road and as per office order no. D-304/COM/SDMC/2022 dated 22.08.2022 the building for Residential Properties abutting notified commercial roads shall be sanctioned through concerned Zonal EE(B)/KBZ but in the instant case Sanctioned Building Plan is obtained under SARAL Scheme.

11. That in view of the above stated facts, the Sanctioned Building Plans obtained under SARAL Scheme vide online ID No. 20003148 dated 15.07.2023 and 20009971 dated 03.04.2024 and Occupancy-Cum-Completion Certificate vide ID No. 20003148 dated 19.09.2024 and 20009971 dated 13.09.2024 had been revoked u/s 338 of the DMC Act, 1957 vide order no. D/428/EE(B)/DC/KBZ/2025 dated 11.09.2025. It is further directed that consequent upon revocation of the Sanction Building Plans and Occupancy-Cum-Completion Certificate, the construction work commenced/ erected or done in the property shall be treated as unauthorized/without sanction and the amount deposited by the Owner (s)/Applicant(s) towards Sanction/Completion of the building plans shall also stand forfeited. Copy of the revocation order u/s 338 of the DMC Act, 1957 dated 11.09.2025 is annexed herewith as **Annexure-A**.

12. That no sealing proceedings u/s 345A of the DMC Act, 1957 in respect of Property No. XIV/8731, New Shidipura, Karol Bagh, New Delhi have been initiated by the department. However, while issuing the hearing notice under proceedings of u/s 338 of



the DMC Act, 1957 to the owners of the property, the section was inadvertently mentioned as section 345 r/w 347 of the DMC Act, 1957 due to typing error. A corrigendum vide no. D/EE(Bldg.)/KBZ/2025/1687 dated 31.07.2025 has already been issued by the department to the effect that the section in the hearing notice may be read as section 338 of the DMC Act, 1957. Copy of the corrigendum dated 31.07.2025 is annexed herewith as **Annexure-B**.

13. That in pursuance of the revocation order u/s 338 of the DMC Act, 1957 dated 11.09.2025 the property no. XIV/8731 (Part), New Shidipura, Karol Bagh, New Delhi has also been booked u/s 344 (1) and 343 of the DMC Act, 1957 for *“unauthorized construction in the shape of ground floor, first floor, second floor and third floor”* vide file no. 192/C-83/B/UC/KBZ/2025 dated 12.09.2025. It is relevant to mention here that two Sanction Building Plan had been obtained but construction has been raised as a single entity. Copy of the Show Cause Notice dated 12.09.2025 is annexed herewith as **Annexure-C**. ”

3. Perusal of the aforesaid Status Report filed on behalf of the MCD shows that earlier there were five Sanctioned Building Plans for the same plot. However, subsequently, the same have been revoked by the MCD, as the same were found to have been obtained by misrepresentation.

4. Further, perusal of the Status Report clearly shows that the MCD has also booked the property in question for unauthorized construction and Show Cause Notice has been issued with regard thereto.

5. Considering the submissions made before this Court, since the petitioners are not the immediate neighbours of the property in question, the petitioners do not have any locus to file the present writ petition. This Court, in the case of ***Rajendra Motwani & Anr. Versus MCD & Ors., 2017 SCC OnLine Del 11050***, has already held that in case, a person is not the



immediate neighbour and is not affected personally by any unauthorized construction, then petition filed by such person cannot be maintainable. Thus, in the case of ***Rajendra Motwani (Supra)***, it was held as follows:

“xxx xxx xxx

10....that an illegal construction in itself does not give any legal right to a neighbor. An illegal construction always no doubt gives locus standi to the local municipal authorities to seek removal of the illegal construction, but, a right of a neighbor only arises if the legal rights of light and air or any other legal right is affected by virtue of the illegal construction of the neighbour...

xxx xxx xxx”

(Emphasis Supplied)

6. However, at the same time, this Court cannot turn a blind eye to the action taken by the MCD for revocation of the Sanctioned Building Plans of the property in question, and booking the same for unauthorized construction.
7. Accordingly, the MCD is directed to take action after following the due procedure, in accordance with law.
8. Likewise, owner/occupants of the property in question are granted liberty to challenge the action of the MCD for revocation of their Sanctioned Building Plans, in accordance with law.
9. The MCD shall take requisite action, subject to any orders that may be passed in appropriate proceedings, wherein, owner/occupants of the property challenge the revocation of their respective Plans.
10. Accordingly, with the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025/ ak