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

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

+ **W.P.(C) 5752/2025 & CM APPL. 26277/2025**

KISHAN LAL

.....Petitioner

Through: Mr. Afroz Ahmed, Advocate
M: 9899972202

versus

THE COMMISSIONER MCD & ORS.

.....Respondents

Through: Mr. Manu Sishodia and Ms. Hina Rajput, Advocates for R-4 along with respondent no. 4 in person
Mob: 9810019309
Email: manusisodia77@gmail.com
Ms. Shilpa Dewan Addl. SC for MCD
Mob: 9971192772
Email: shilpadewan06@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions for taking action against the illegal and unauthorized construction raised by respondent nos. 3 and 4 in property bearing no. 8731/14-B, *Municipal Ward No. 83, Shidipura, Karol Bagh, New Delhi*.
2. Learned counsel appearing for respondent no. 4 submits that the property of the petitioner is approximately 200-300 meters away from the property of the respondent no. 4.
3. Thus, he submits that the petitioner is not the owner of any property immediate to the property, which is subject matter of the present writ



petition, and that the present writ petition would not be maintainable on that account.

4. Learned counsel appearing for the respondent no. 4 also draws the attention of this Court to the table showing the complaints which have been filed by the petitioner, which is reproduced as under:

Kishan Lal					
Sl. No.	DIARY NO.	DATE	SOURCE	SOURCE DIARY NO.	SUB.
1	2439	11.03.2024	SE	8291	U/C, P.No. 8740/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
2	2561	13.03.2024	SE	8384	U/C, P.No. 8740/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
3	8092	09.08.2024	SE	3118	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal) SDM
4	8093	09.08.2024	SE	3178	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
5	8094	09.08.2024	SE	3004	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
6	8555	22.08.2024	SE	3421	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
7	8556	22.08.2024	SE	3421	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
8	8760	28.08.2024	SE	3620	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
9	9322	09.09.2024	SE	4071	U/C, Rohitak Road 1-C to 5-C, Doriwalan Rattan Nagar, Joshi Road, Manak Pura, Bagh Raoji (Kishan Lal)
10	10540	27.09.2024	SE	4914	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
11	12159	29.10.2024	SE	5910	U/C, P.No. 8741/14-B, Shidi Pura, (Kishan Lal), U/C, P.No. 5645/73, 6045/2, 6410, Dev Nagar, 8-A/42, 12-A/2, WEA, (Shashi Sharma), U/C, P.No. 1082, Gali No. 14, Naiwala (Harpreet Singh Dhillon) Vig/2678
12	13203	28.11.2024	SE	6596	U/C, P.No. 8731/14-B, Shidi Pura (Kishan Lal), U/C Kh.No. 206 to 211, Bighas 31, Basai Dara Pur in Jaidev Park adjoining Najafgarh (Gulab Singh) (Vig-2973)
13	14031	20.12.2024	Kishan Lal		U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)
14	14213	27.12.2024	SE	7285	U/C, P.No. 8731/14-B, Shidi Pura, Karol Bagh (Kishan Lal)

5. By referring to the aforesaid table, learned counsel appearing for respondent no. 4 submits that the petitioner is in the habit of filing various complaints with respect to various properties, despite the fact that the petitioner is not the immediate neighbour to any of the said properties and is not affected personally by any unauthorized construction in the said properties.

6. Learned counsel appearing for the Municipal Corporation of Delhi ("MCD") draws the attention of this Court to the Status Report dated 15th September, 2025, filed on their behalf, relevant portion of which reads as under:



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, Smt. Poonam Chadha, Smt. Sikha Singhal and Sh. Rohit Singhal had obtained Sanction Building Plan in respect of part Property No. XIV/8731, New, Shidipura, Karol Bagh, New Delhi vide online ID No. 20012496 dated 18.07.2024 through the registered Architect/Engineer/Supervisor, for construction of building under SARAL Scheme for a plot area of 96.230 sqm with attributes Basement, Ground Floor, First Floor, Second Floor and Third Floor with permissible Ground Coverage and FAR @ 90% and 350% respectively.
5. That Smt. Manju had obtained another Sanction Building Plan in respect of part Property No. XIV/8731, New Shidipura, Karol Bagh, New Delhi vide online ID No. 20012503 dated 18.07.2024 through the registered Architect/Engineer/Supervisor, for construction of building under SARAL Scheme for a plot area of 96.230 sqm with attributes Basement, Ground Floor, First Floor, Second Floor and Third Floor with permissible Ground Coverage and FAR @ 90% and 350% respectively.
6. That Sh. Pawan Kumar had obtained another Sanction Building Plan in respect of part Property No. XIV/8731, New, Shidipura, Karol Bagh, New Delhi vide online ID No. 20012501 dated 30.07.2024 through the registered Architect/Engineer/



Supervisor, for construction of building under SARAL Scheme for a plot area of 96.230 sqm with attributes Basement, Ground Floor, First Floor, Second Floor and Third Floor with permissible Ground Coverage and FAR @ 90% and 350% respectively.

7. That Sh. Manish Gupta and Sh. Ashish Gupta had obtained another 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 registered Architect/Engineer/Supervisor, 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 registrer Architect/Engineer/Supervisor, vide ID No. 20003148 dated 19.09.2024.
8. That Smt. Manisha Gupta and Smt. Krishna Devi had obtained one more 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 registered Architect/Engineer/Supervisor, 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, vide ID No. 20009971 dated 13.09.2024.

9. 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 Sanction Building Plan and relevant record was checked and it was found that above said sanction building plans have been obtained for part properties of a single plot which is not permissible. 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. Accordingly, proceedings u/s 338 of the DMC Act, 1957 for revocation of the abvoe Sanction Building Plan had been initiated.

10. That a Show Cause Notice vide no. D-149/EE(B)/DC/KBZ/2025 dated 15.04.2025 u/s 338 of the DMC Act, 1957 had been issued to Smt. Poonam Chadha, Smt. Sikha Singhal, Sh. Rohit Singhal, Smt. Manju and Sh. Pawan Kumar, Owner/Occupiers/Builder and professionals to show cause notice as to why the Sanction Building Plans under SARAL Scheme obtained vide online ID No. 20012496 dated 18.07.2024 and 2001253 dated 18.07.2024 and 20012501 dated 30.07.2024 may not be revoked (in respect of three Sanction Building Plan).



11. That, another 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 notice 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 13.09.2024 and 20009971 dated 19.09.2024 may not be revoked (in respect of two Sanction Building Plan).

12. That reply to the show cause notice dated 15.04.2025 and 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 registered Architect also admitted that he has made a mistake in obtaining a Sanction Building Plan.

13. That finally as per available documents submitted at the time of sanction, during the course of hearing and from registered Architect, it was found that above five Sanction Building Plans were sanctioned for the same Property bearing No. XIV/8731,



New, Shidipura, Karol Bagh, New Delhi. The property is a larger plot and sanction was obtained in five parts. The noticees in the present matter have got the buiding plan sanctioned for plots with Gorund Coverage and FAR @90% and 350% respectively and thus violated the provisions of MPD-2021. Futher 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 Propperties abuting notified commercial roads shall be sanctioned through concerned Zonal EE(B)/KBZ but in the instant case all above Sanctioned Building Plans is obtained under SARAL Scheme.

14. That in view of the above stated facts, the Sanctioned Building Plans obtained under SARAL Scheme vide online ID No. 20012496 dated 18.07.2024 and 2001253 dated 18.07.2024 and 20012501 dated 30.07.2024 (three Sanction Building Plan) had been revoked u/s 338 of the DMC Act, 1957 vide order no. D/429/EE(B)/DC/KBZ/2025 dated 11.09.2025. Further, another 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 (two Sanction Building Plan and Occupancy-Cum-Completion) had also been revoked u/s 338 of the DMC Act, 1957 vide order no. D/428/EE(B)/DC/KBZ/2025 dated 11.09.2025. The copy of the revocation orders vide no. D/429/EE(B)/DC/KBZ/2025 dated 11.09.2025 and



D/428/EE(B)/DC/KBZ/2025 dated 11.09.2025 are annexed herewith as **Annexure-A (colly)**.

15. That consequent upon revocation of the Sanction Building Plans and completion certificates, the construction work commenced/ erected or done in the property shall be treated as unauthorized/without sanction and the amount deposited towards sanction/completion of the building plans shall also stands forfeited and concerned registered Architect/Supervisor/Structrural Engineer/Professional, under the provisions of Clause 2.9.3 of UBBL-2016 have also been debarred from the panel of Municipal Corporation of Delhi and from submitting any building plan, Occupancy-Cum-Completion Certificate, C-1 Form, Regularization of unauthorized construction and other attitities related to construction of buildings, for six months.
16. That in pursuance of the above revocation orders u/s 338 of the DMC Act, 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.
17. That the Property No. XIV/8731 (Part), New Shidipura, Karol Bagh, New Delhi (two Sanction Building Plan) has been booked for "*Unauthorized Construction in the Shape of Gorund Floor, First Floor, Second Floor and Third Floor*" vide file no. 192/C-83/B/UC/KBZ/2025 dated 12.09.2025 and show cause notice dated 12.09.2025 issued. Copy of the Show Cause Notice



vide file no. 192/C-83/B/UC/KBZ/2025 dated 12.09.2025 is annexed herewith as **Annexure-B**.

18. That the Property No. XIV/8731 (Part), New Shidipura, Karol Bagh, New Delhi (Three Sanction Building Plan) has been booked for "*Unauthorized Construction in the Shape of Basement, Ground Floor, First Floor, Second Floor and Third Floor*" vide file no. 193/C-83/B/UC/KBZ/2025 dated 12.09.2025 and show cause notice dated 12.09.2025 issued. Copy of the Show Cause Notice vide file no. 193/C-83/B/UC/KBZ/2025 dated 12.09.2025 is annexed herewith as **Annexure-C**.

7. 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.
8. 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.
9. Considering the submissions made before this Court, since the petitioner is not the immediate neighbour of the property in question, the petitioner does not as such 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 as such, such petitions cannot be maintainable. Thus, in the case of ***Rajendra Motwani & Anr. (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)

10. However, at the same time, this Court cannot turn a blind eye to the action taken by the MCD in revoking the Sanctioned Building Plan of the property in question, and booking the same for unauthorized construction.

11. Accordingly, the MCD is directed to take action after following due procedure, in accordance with law.

12. Likewise, owner/occupants of the property in question are granted liberty to challenge the action of the MCD for revocation of their Sanctioned Building Plan, in accordance with law.

13. 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.

14. Accordingly, with the aforesaid directions, the present writ petition, along with the pending application is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025

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