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

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

+ W.P.(C) 6995/2025 & CM APPL. 31549/2025, CM APPL. 41137/2025, CM APPL. 48705/2025, CM APPL. 53773/2025

SHRUTI GARG

.....Petitioner

Through: Mr. Manish Kaushik with Mr. Yashpriya Sahran, Advocates.

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versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Rakesh Malhotra with Mr. Bharat Malhotra, Advocates for MCD.

Mob.9810239071.

Email :

officerakeshmalhotra@gmail.com

Mr. Ankit Jain, Sr. Advocate with Mr. Shailesh Tiwari, Mr. Eish Kesarwami, Mr. Port Goutam and Mr. Aditya Chouhan, Advocates for R-6.

Mr. Fanish K. Jain with Mr. Harsh Mr. Abhishek Shokeen, Advocates along with Dr. Lalit Kapoor, owner of 12/19 WEA Karol Bagh.

Mob. 8595093058

Email : shriharsh@gmail.com

Mr. Sanjay Sharma, ASC with Mr. Asheesh Kumar Mishra, ASC for NDMC



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi (“MCD”) to stop the misuser and take action against the unauthorized construction undertaken by respondent nos. 6 and 7 in the property bearing *Nos. 12/19 and 12/20, W.E.A, Arya Samaj Road, Karol Bagh, New Delhi-110005*.
2. Learned counsel appearing for the petitioner relies upon the Status Report dated 12th August, 2025 filed on behalf of the MCD, wherein, it is stated that it was noticed that the entire stilt portion of property No. *12/20, W.E.A, Karol Bagh, New Delhi-110005*, was being misused for the ‘multiple make shift/temporary mobile accessories/repairing shops’, at the instance of the owner/occupier, in violation of the provisions of the Master Plan for Delhi, 2021 (“MPD 2021”), as well as Unified Building Bye Laws for Delhi, 2016 (“UBBL 2016”). Thus, it is submitted that there are four shops in the stilt area which cannot be allowed to continue/exist. He further submits that there is no fire clearance for the building in question.
3. *Per contra*, learned counsel appearing for the owner of the property bearing *No. 12/19, W.E.A, Karol Bagh, New Delhi-110005*, submits that Dr. Lalit Kapoor is the owner and occupant of the said premises and that the present writ petition has no concern with the said premises, as the present writ petition only pertains to the property bearing *No. 12/20*.
4. He further submits that he represents Dr. Lalit Kapoor, who is present in the Court, and that Dr. Lalit Kapoor has been the owner and occupant of the building *No. 12/19*, for approximately more than 40 years. He further



submits that, in case, there is any unauthorised construction, which is in the nature of non-compoundable construction, in that eventuality, he is ready to remove such construction.

5. Learned Senior Counsel appearing for respondent no. 6 submits that the petitioner herein has initiated various litigations against respondent no. 6 in multiple forums. He draws the attention of this Court to the order dated 25th April, 2025, passed in *W.P.(C) 5365/2025*, and submits that the petitioner had earlier approached this Court, being aggrieved by the regularization of the building of respondent no. 6. He submits that despite the liberty being granted by this Court to challenge the said regularisation in appropriate forum, no proceedings have been initiated by the petitioner on the aspect of regularization.

6. He submits that the only grouse of the petitioner is that the petitioner, who owns shops in the basement of the building in question, wants his shops to be shifted to the ground floor.

7. Learned counsel appearing for the respondent-MCD submits that the stilt portion of the property in question is lying sealed, on account of the commercial activity earlier found therein.

8. Responding to the same, learned Senior Counsel appearing for the respondent no. 6 submits that respondent no. 6 has applied to the MCD for de-sealing of the stilt area, as commercial activity has been stopped from the stilt area.

9. Having heard learned counsels for the parties, this Court notes the first Status Report dated 12th August, 2025 filed on behalf of the MCD, wherein, commercial activity was found in the stilt portion of property No. 12/20, *W.E.A, Karol Bagh, New Delhi-110005*, on account of which, sealing



action was taken. The relevant portions of the first Status Report filed by the MCD, read as under:

“xxx xxx xxx

3. That as per record, it had been noticed that the Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi was being misused for the "Multiple make shift/temporary mobile accessories/repairing shops" at the instance of Owner(s)/Occupier(s) in violation of provisions of MPD-2021/UBBL-2016. Accordingly, a show cause notice u/s 345A r/w 347 of the DMC Act, 1957 vide no. D/EE(B)/KBZ/2025/316 dated 02.07.2025 had been issued to owner(s)/occupier(s). However, no reply to the said show cause noticed had been received within stipulated time.

xxx xxx xxx

5. That a sealing order u/s 347 r/s 345A of the DMC Act, 1957 vide no. 64/Mis./Seal/EE(B)/KBZ/25 15.07.2025 had been passed against the Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi. The copy of the sealing order dated 15.07.2025 is annexed herewith as **Annexure-A**.

6. That a sealing action against the Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi had been taken on 28.07.2025 and the property (stilt) had been sealed at 11 points with the help of police force from P.S. Karol Bagh and MCD squad. Photographs taken during sealing action on 28.07.2025 are annexed herewith as **Annexure-B** (colly.)

7. That further a sealing action against the Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi had been taken on 08.08.2025 and the property (stilt) had been further sealed at 05 points with the help of police force from P.S. Karol Bagh and MCD squad. The property i.e. stilt of Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi had been completely sealed including shops running in the stilt area towards the service lane except 03 points (Shutter gate) of entry of basement, ground floor and upper floors. Photographs taken during sealing action on 08.08.2025 are annexed herewith as **Annexure-C** (colly.).

8. That the basement of the Property No. 12/20, stilt (entire stilt portion), W.E.A., Karol Bagh, New Delhi has also been inspected by the concerned JE(B)/KBZ on 08.08.2025. During inspection, it has been noticed that the some empty wooden shelves are lying in the



basement. **However, no commercial activity at the time of inspection was noticed in the basement area.** Photographs of the basement of the property taken during inspection area annexed herewith as **Annexure-D (colly).**”

(Emphasis Supplied)

10. Subsequently, upon directions of this Court, inspection of the property was done by the MCD, pursuant to which, a second Status Report dated 29th August, 2025 was filed on behalf of the MCD, wherein, it is stated as follows:

“xxx xxx xxx

2. That in compliance of the order dated 12.08.2025 passed by the Hon’ble Court, the stilt area of the property bearing no. 12/20, WEA, Karol Bagh, New Delhi had been inspected on 13.08.2025 at 11:30 AM in the presence of Advocates of petitioner and Respondent No. 6.

3. **That during inspection, it has been noticed that the entire stilt portion of the property bearing no. 12/20, W.E.A., Karol Bagh, New Delhi is lying sealed except the entry to basement, ground floor and upper floors and no sort of commercial activities was noticed at the stilt portion during inspection on 13.08.2025.** The photographs of the property were also taken during joint inspection which are annexed herewith as **Annexure-A (colly).**”

(Emphasis Supplied)

11. Thus, it is seen that upon subsequent inspection, the MCD found that the entire stilt portion was lying sealed, and no commercial activity was noticed in the stilt portion.

12. This Court takes note of the statement made by learned Senior Counsel for respondent no. 6 that respondent no. 6 shall carry out user of the stilt area, as well as the basement, only as per the permissible use, in terms of the MPD 2021 and UBBL 2016. Further, it is also noted that the respondent no. 6 has already applied to the MCD for de-sealing of its premises.

13. Accordingly, the MCD shall consider the application of the



respondent no. 6 and pass appropriate orders, in accordance with law.

14. It is directed that the respondent no. 6 shall use the stilt portion, as well as the basement area, as per the user which is permitted under UBBL 2016 and MPD 2021. Further, respondent no. 6 shall also obtain Fire No Objection Certificate (“NOC”) for his building, as per the requirement of law.

15. This Court also takes note of the statement made by learned counsel appearing for the owner of property *No. 12/19* that the prayer in the present writ petition pertains to only property *No. 12/20*. Further, no averments have been made with regard to the property *No. 12/19*, and that the petitioner has no concern with the property bearing *No. 12/19*. Thus, no orders are required to be passed with regard to the said property.

16. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025/au