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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 14th July, 2025
+ **W.P.(C) 9756/2025**

MANDEEP MANN

.....Petitioner

Through: Appearance not given.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Arjun Mahajan, SC with
Mr.Apoorv Upmanyu and Mr. Harsh
Vashisht, Advocates for R-1/DDA.
Mr. G.S.Oberoi, SC with Mr. Ankur
Sharma, Ms Shaifali Jain and
Mr.J.S.Oberoi, Advocates for R/MCD.
Ms. Urvi Mohan, Advocate for
R/GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 40778/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed of.

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3. The present petition has been filed by the Petitioner-Mandeep Mann under Article 226 of the Constitution of India, *inter alia*, seeking various reliefs in respect of the Sadbawna Cooperative Group Housing Society Ltd (hereinafter, '*Society*'). The prayers in the present petition are as under:

“a. Issue an appropriate Writ, Order or Direction,



including a Writ of Mandamus, directing Respondent No.1 (DDA) and Respondent No.2 (MCD) to forthwith halt all ongoing unauthorized construction activities being carried out in Sadbhawna CGHS Ltd., Plot No. 11, Sector 11, Dwarka, New Delhi-110075 (Respondent No.4), which are in violation of the sanctioned building plans, MBBL-2016, MPD-2021 and other applicable building regulations; and

b. Direct Respondents No.1 and 2 to undertake demolition of all structures erected in excess or in deviation from the sanctioned layout and building plans, and to ensure compliance with the statutory provisions of the Delhi Development Act, 1957 and Unified Building Bye-Laws for Delhi, 2016; and

c. Direct Respondents No.1 and 2 to initiate disciplinary and legal proceedings against all erring officers, developers, architects, and members of the managing/executive committee of Respondent No.4 Society for having colluded in the grant and execution of illegal construction and for furnishing

false/forged structural and other documents and for their failure to act on the Petitioner's complaints; and

d. Direct the Respondents to place on record the complete record of Floor Area Ratio (FAR) sanctioned by DDA/competent authority for Respondent No.4 Society for the period 2017 to 2025, along with the basis of such allocation in terms of MPD-2021 and MBBL-2016; and

e. Direct the Respondents to furnish a block-wise/tower-wise breakup of the FAR allocation to the various constituent buildings/blocks within Respondent No.4 Society, and the rationale adopted in proportioning the same; and

f. Direct the Respondents to submit a status report of all actions taken between 2017 and 2025, wherever FAR-based construction was halted, and the grounds of such suspension or withdrawal of work permissions, if any; and

g. Pass appropriate directions to the Respondents to duly classify the Petitioner's property as falling under Category-D in accordance with the applicable norms under the



Master Plan for Delhi, 2021 and other prevailing regulations, and to ensure the allocation of maximum permissible Floor Area Ratio (FAR) in a proportionate and equitable, at par with similarly situated residents of Respondent No. 5/Society, strictly in accordance with law;and

h. Direct Respondents No.1 to 3 to blacklist, de-empanel, and take penal action under applicable law against the Architects, Builders, Developers, Structural Engineers, and any other individuals or entities responsible for illegal, unsafe, or unauthorized construction within Respondent No.4 Society,

including for violations of public safety, environmental norms, and building codes; and

i. Direct the appointment of an independent court-monitored technical agency, comprising experts in civil engineering, fire safety, and urban planning, to conduct a comprehensive structural and regulatory audit of the entire construction in Respondent No.4 Society, and to submit a report regarding: (i) conformity with sanctioned plans, (ii) safety of existing structures, and (iii) proper allocation and utilization of FAR as per the records of DDA and applicable law; and

j. Direct Respondents 3-5 to refrain from carrying out any construction beyond the sanctioned plan without prior compliance with applicable laws; and

k. Award costs in favour of the Petitioner and pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

4. The Petitioner and his wife are the purchasers of flat bearing no. B-005, Ground Floor at the said Society. Various allegations have been raised by the Petitioner in respect of illegal constructions and non-fixation of Floor Area Ratio (hereinafter, 'FAR') for the residential property.

5. There also appears to be some dispute between the Petitioner and the



Society. The Petitioner wanted certain expansion of their own flat in the year 2023 for which a certain amount had been deposited by the Petitioner. The Petitioner continues to have grievances against the Society, various other occupants in the Society as also the Management Committee of the Society.

6. In so far as the illegal construction is concerned, the Petitioners' grievance is that a stop construction notice has been issued by the Delhi Development Authority (hereinafter, 'DDA') but thereafter, no action has been taken.

7. The Court has considered the matter. There appears to be some local issues between the Petitioner, other occupants and also the Management Committee of the Society. Be that as it may, in so far as the alleged unauthorised and illegal constructions are concerned, the DDA has already given a stop construction notice. Pursuant to the said notice, DDA may undertake an inspection and take action in accordance with law against any unauthorised encroachment or construction.

8. In so far as any other grievances of the Petitioner are concerned, the Petitioner is free to avail of his remedies in accordance with law under Section 70 of the Multi State Cooperative Societies Act, 2002.

9. Accordingly, the petition stands disposed of. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

JULY 14, 2025

v/ck