



2026:DHC:414



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

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Date of decision: 15th January, 2026

+ **W.P.(C) 14277/2025**

SUCY MATHAI THROUGH SPA HOLDERPetitioner

Through: **Mr. Arun Francis, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: **Mr. Siddhant Nath and Mr. Bhavishya Makhija, Advocates for R-1/MCD.**
Mr. Ashutosh Kaushik, Advocate for R-2
Ms. Manju Grover, R-3 present-in-person.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking a direction to respondent no.1/MCD to replace/reinstall the water tank of the petitioner which was illegally removed by the respondent no.1/MCD on 28th July, 2025.

2. It is the case of the petitioner that the petitioner is the owner of *DDA Flat No.164, Mount Kailash, East of Kailash, New Delhi*, located on the first floor. The petitioner has been residing in this property since 2001.

3. The grievance of the petitioner is that the respondent no.3, who



resides on the ground floor of the same property in Flat No.163, made a complaint against the water tank kept by the petitioner on the ground floor. On the basis of this complaint, the respondent no.1/MCD has illegally removed the petitioner's water tank on 28th July, 2025.

4. Counsel for the petitioner has drawn attention of the Court to the relevant bye-laws applicable for addition/alteration in DDA flats. Specific reliance is placed on Entry No.10 in the category of condonable items, which is set out below:

"10. To put provide additional PVC water tank at ground floor area without disturbing the common passage."

5. Status report has been filed on behalf of the respondent no.1/MCD on 13th October, 2025, wherein it is stated that the respondent no.1/MCD carried out a joint encroachment removal action program on 28th July, 2025 in the Mount Kailash Area, and the water tank of the petitioner which was on the passage at the back side, has been removed with the assistance of the police force.

6. It has been stated in the status report that the petitioner has placed the water tank on the passage on the back side, which would amount to violation of the prevailing policy of the DDA and also amount to encroachment on government land.

7. On 5th December, 2025, the Predecessor Bench had directed the respondent no.1/MCD to inspect the concerned area and ascertain a place where the petitioner can install the water tank as per the MCD bye-laws. Pursuant thereto, a fresh status report was filed on behalf of the respondent no.1/MCD stating that the petitioner could install the additional PVC water tank on the roof of the property.



8. Counsel for the petitioner submits that already a PVC tank has been kept by the petitioner on the roof of the said property.

9. It is the contention of the petitioner that the water tank which was removed by the respondent no.1/MCD does not block the common passage in the apartment complex.

10. A perusal of the status report dated 13th October, 2025 filed by the MCD along with the photographs filed along with it clearly shows that the water tank had been kept on the common passage on the back side. Whether the said water tank is disturbing the common passage of the residents is a disputed question of fact, which cannot be adjudicated in the present writ petition.

11. Mr. Siddhant Nath, counsel appearing on behalf of the respondent no.1/MCD has also handed over a letter dated 7th January, 2026 addressed to the SHO, P.S. Amar Colony, wherein it is stated that all water tanks that were placed on the common passage have been removed from *House Nos.163 to 124, B Block, Mount Kailash* on 7th January, 2026.

11.1 A copy of the said letter is taken on record.

12. The letter dated 7th January, 2026 shows that the respondent no.1/MCD has removed all water tanks which were placed on the common passages.

13. I do not find any merit in the present writ petition and the same is, therefore, dismissed.

14. If the appropriate RWA were to make a representation to the respondent no.1/MCD that the residents may be permitted to keep the water



2026:DHC:414



tanks in terms of the DDA Policy, the MCD shall consider the same.

AMIT BANSAL, J

JANUARY 15, 2026

Vivek/-