

Pawan Kumar Garg vs MCD and Ors

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Court : Delhi

Decided On : Mar-10-2026

Judge : Hon'Ble Mr. Justice Amit Bansal

Appeal No. : W.P.(C)/16835/2024

Appellant : Pawan Kumar Garg

Respondent : MCD and Ors

Advocate for Def. : Mr. Mukesh Gupta, Ms. Sneha Roy, Mr. Vanaj Vidhyan, Ms. Madhu Yadav, Mr. Gurleen Kaul Sran, Mr. Vivek Kumar, Mr. Kush Sharma, Ms. Niharika Tanwar

Advocate for Pet/Ap. : Mr. Turang Pandit

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 16835/2024 PAWAN KUMAR GARGPetitioner Through:
Mr. Turang Pandit, Advocate.

versus

MCD AND ORSRespondents Through: Mr. Mukesh Gupta, Standing Counsel for MCD with Ms. Sneha Roy, Mr. Vanaj Vidhyan, Ms. Madhu Yadav & Mr. Gurleen Kaul Sran, Advocates for R-1. Mr. Vivek Kumar, Advocate for R-2. (Through video-conferencing) Mr. Kush Sharma & Ms. Niharika Tanwar, Advocates for R-4. (Through video-conferencing)

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 10.03.2026

1. The present writ petition has been filed seeking the following reliefs:

A. Direct Respondent No. 1, the Municipal Corporation of Delhi (MCD), to take immediate and effective steps to inspect the property, address all violations, including unauthorized constructions, illegal commercial activities, and encroachments, and ensure strict compliance with municipal laws and safety standards, and thereby take appropriate action by demolishing the illegal structure and restraining the illegal activities.

B. Direct Respondent No. 4 i.e. Delhi Pollution Control Board, to oversee and monitor the actions of Respondent No. 1, ensuring the rectification of all illegalities and the prevention of further violations, W.P.(C) 16835/2024 Page 1 of 3 while ensuring effective enforcement of zoning and municipal C. Restrain Respondent no. 2 and 3 from continuing unauthorized commercial activities, hazardous installations, and public land encroachments, and further direct them to restore the residential nature of the property, remove all unlawful structures, and comply with applicable municipal and safety laws.

D. Pass an interim order directing the immediate sealing of premises used for unauthorized commercial activities and the removal of industrial generators from the rooftop to prevent further harm to life and property,

and grant any other relief that this Honble Court may deem just and proper in the interest of justice, including the award of costs for these proceedings.

E. Grant permanent relief by directing Respondent no. 2 and 3 to cease all illegal and unauthorized activities permanently, including the use of the property for commercial purposes, and ensure the restoration of the property to its lawful residential use as per zoning and municipal F. Award appropriate compensation to the Petitioner for the mental agony, harassment, and inconvenience caused due to the illegal and unauthorized acts of Respondent Nos. 2 and 3 and the failure of Respondent Nos. 1 , 4 and 5 to perform their statutory duties.

2. A status report has been filed on behalf of the respondent no.1/ MCD

wherein it is stated that the basement to the second floor of the property bearing no. BT-2, Shalimar Bagh, Delhi-110088 (hereinafter subject property) was earlier booked for excess coverage in the year 2002. Subsequently, the same was regularized in the year 2008.

3. It is further stated that a No Objection Certificate (NOC) has been granted by the respondent no.1/ MCD for running a bank in the basement and ground floor of the subject property. W.P.(C) 16835/2024 Page 2 of 3

4. Counsel appears on behalf of the respondent no.2/ IDBI Bank

(hereinafter Bank) and submits that the Bank has been running from the subject property since 2010, whereas the petitioner has purchased the subject property only in the year 2021. Therefore, the petitioner cannot have any grievance with the running of the Bank.

5. He further submits that the generator has been kept on the terrace after obtaining permission from the respondent no.4/ Delhi Pollution Control Board (DPCC).

6. In the previous order passed on 31st October, 2025, it was recorded

that the respondent no.3, i.e., Mr. Vishal Kakkar, had sold the subject property to a third-party. Accordingly, the petitioner was directed to implead the subsequent purchaser as a respondent and to file an amended Memo of Parties.

7. Neither the amended Memo of Parties nor the objections to the status report filed on behalf of the respondent no.1/ MCD, have been filed by the petitioner.

8. In view of the aforesaid submissions, the relief sought by the petitioner cannot be granted.

9. Accordingly, the present writ petition is dismissed. AMIT BANSAL, J MARCH 10, 2026 at W.P.(C) 16835/2024 Page 3 of 3

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