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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 28th October, 2025

+ W.P.(C) 8729/2025 & CM APPL. 37313/2025

DR NEERAJ SHARMA

.....Petitioner

Through: None

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Gagan Gandhi, Ms. Tanushree Bakhshi, Dr. B.S. Chauhan, Ms. Shraddha Saxena and Mr. Vijay Kumar, Advs. for R-5
Mr. Mukesh Gupta, SC with Mr. Sachin Singh Sahi, Adv. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

1. The present writ petition has been filed with prayer for directions to the respondent statutory authorities to inspect the terrace and second floor of property bearing No. A-15, Tagore Market, Kirti Nagar, New Delhi-110015 and to stop the work of illegal construction/deviations therein, allegedly being carried out by respondent no. 5 herein.
2. A Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx

3. That no sanction building plan or any booking of the of the property no. A-15, Tagore Market, Kirti Nagar, New Delhi is

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available in the record of Building Department, Karol Bagh Zone, MCD.

4. That consequent upon complaints received from the plaintiff with regard to illegal construction on the terrace of A-15, Tagore, Market, Kirti Nagar, Delhi, a work stop notice vide no. D/AE(B)/KBZ/2025/739 dated 23.04.2025 had been issued to the SHO P.S. Kirti Nagar, New Delhi. Copy of the work stop notice dated 23.04.2025 is annexed herewith as **Annexure-A**.

5. That the property no. A-15, Tagore Market, Kirti Nagar, New Delhi has been inspected by the concerned JE(B)/KBZ on 20.05.2025, 01.07.2025 and 15.07.2025. During inspection on the said dates, it has been noticed that permissible repair as per clause 2.0 (d) of the UBBL-2016 is being carried out at second floor of the property. The photographs taken during inspection are annexed herewith as **Annexure-B** (colly.).

3. Perusal of the aforesaid Status Report shows that it is the categorical stand of the MCD that only permissible repair, in terms of the Unified Building Bye-Laws for Delhi, 2016 ("UBBL, 2016"), was being carried out on the second floor of the subject property.

4. Thus, there was no unauthorized construction found by the MCD in the property in question.

5. Learned counsel appearing for respondent no. 5, i.e., owner/occupier



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of the second floor and terrace of the property in question, submits that the petitioner is the owner and occupant of ground floor of the property in question. He submits that since the respondent no. 5 stays on the second floor and is also owner of the second floor and the terrace above it, the petitioner has been creating various hindrances and obstructions against the repair work being carried out by respondent no. 5.

6. He has further handed over to this Court a decree dated 02nd July, 2024 passed by Civil Judge-01 (West), Delhi, Tis Hazari Court, in suit bearing CS SCJ No. 1319/2021, titled as “*Ms. Manmeet Kaur Bagga Versus Dr. Neeraj Sharma and Anr.*”, to submit that the respondent no.5 had filed a suit against the petitioner herein since the petitioner was creating hindrances in the peaceful enjoyment of the property of respondent no. 5.

7. The aforesaid decree is taken on record. Relevant portion of the aforesaid decree, reads as under:

“xxx xxx xxx

17. Perusal of the Para 3 of para wise reply of Written statement as filed by the defendants shows that the defendant has admitted that plot/property no. A-15, Tagore Market, Kirti Nagar, Delhi has a common stair case. Similarly, it is admitted by the defendant in para no.4 that they have never approached or pressurized the plaintiff to sell her property and they also admitted that they have never hindered the plaintiff and her son on accessing the common area/stairs. Similarly, in para 7 the defendant has admitted that they have never tried to create any nuisance or forceful entry into the



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premises of the plaintiff. Thus, there is clear and unambiguous admission on the part of the defendant that the stair case at the suit property is a common passage and they have never restricted the plaintiff or her family members to use the stair case and it is also admitted that they have never tried to create any nuisance or interfere in the peaceful enjoyment of portion of property belonging to the plaintiff.

18. Accordingly, in the light of the admission made in the written statement the following reliefs as prayed by the plaintiff in the suit are hereby granted as per Order XII Rule 6 CPC:

The defendants are hereby restrained from creating any hindrance or interference in the peaceful enjoyment of the portion of the property belonging to the plaintiff and further restrained from creating any hindrance in the peaceful enjoyment of the common stair case by the plaintiff and her family members.

xxx xxx xxx”

8. Considering the submissions made before this Court, it is clear that the present writ petition has been filed by the petitioner without verifying the actual facts of the case as to whether the respondent no. 5 was actually carrying out any unauthorized construction in the property in question.

9. Considering the submissions made before this Court, it is palpable that the present writ petition has been filed by the petitioner to arm twist the respondent no. 5 and to harass her. Clearly, the present petition has been



filed with oblique motives and *malafide* designs. Such conduct of any party of resorting to legal process before the Court in order to settle personal scores with other parties or to harass another party, without verifying the factual position, is deplorable and unacceptable. The petition is evidently an abuse and misuse of the process of law, which cannot be allowed by this Court.

10. Considering the categorical stand of the MCD that only permissible repair work was being carried out by respondent no. 5, and other facts as noted hereinabove, the present writ petition is clearly without any merit and has been filed without any verification of factual position at the end of the petitioner.

11. Accordingly, the present writ petition is dismissed with costs of Rs. 50,000/- payable by the petitioner to the following entity:

*“Delhi High Court Advocates Welfare Trust
Current A/c No. 15530210002995
Bank Name: UCO Bank
Branch Address: Delhi High Court
IFSC: UCBA0001553”*

12. The aforesaid amount shall be paid by the petitioner, within a period of four weeks from today.

13. List for compliance with regard to payment of costs by the petitioner before the Registrar on 09th December, 2025.

14. The present writ petition, along with the pending application, accordingly stands disposed of.

MINI PUSHKARNA, J

OCTOBER 28, 2025/KR