

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
E mail: pgcdelhi@nic.in

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.09.1997

Date Of Hearing : 12.10.2026

Complainant : Sh. Subhash Chand Gupta (Diary No.3545/8/2026)

Respondent : The Commissioner,
Municipal Corporation of Delhi,
Dr. Shyama Prasad Mukherjee Civic Centre,
Minto Road, New Delhi – 110002.

Grievance No. : PGC/2026/A-II/MCD/637

1. Brief facts of the complaint

The grievance of the complainant is that he had complained several times to the Ex. En, SE, DC and MCD Commissioner about the illegal construction going on at property bearing no. 595 Moti Ram Road Ram Nagar Shahdara Delhi-110032, but no action has been taken on this unauthorized construction. He claims unauthorized construction work is being carried out by one Shri Amit Kumar at 595 Moti Ram Road Ram Nagar Shahdara Delhi-110032, against the rules of DMC Act, 1957, BBL-2016, MPD Act-2021, NGT and DPCC, in connivance with the Junior Engineer Building-2 of this ward and his higher officials. He has prayed that the unauthorized construction be stopped immediately and the building be booked for demolition. He has listed the following deficiencies in the construction:

- 1) This is factory/mill land, and its CLU (Change Land Use) has not been done and residential flats are being constructed on this land.
- 2) Gravel, dust, cement and bricks are spread openly on the road, and due to cutting of stones and bricks by machines, the environment gets damaged.
- 3) By constructing balconies on this unauthorized building, the government land is being encroached upon.
- 4) It has been observed that poor-quality material is being used in this construction, due to which an accident can occur at any time, causing loss of life and property.

- 5) It appears that the work of installing a lift in this property is being carried out without taking permission from the Municipal Corporation, which can prove fatal for the residents at any time.
- 6) Construction is being carried out in this building illegally by using bore well/submersible.
- 7) There is no arrangement for storing rainwater in this building.
- 8) This building has not been constructed as per Building Bye Laws, 2021.

2. Proceedings in the Public Grievance Commission

The PGC has convened the 2nd hearing in the matter on 12.10.2026.

3. Facts emerged during the proceedings

Both parties were present. Shri Saurabh Jain, Junior Engineer (Building-II), appearing on behalf of the respondent department, filed an Action Taken Report dated 12.10.2026. The relevant portion of the ATR is reproduced below:

"It is to submit that multiple complaints with different address were received along with above mentioned subject property complaint.

It is to submit that, as per site inspection of concern area Junior Engineer the property address is 1/595, Moti Ram Road, Ram Nagar, Shahdara, Delhi-32 and the address mention in the complaint is wrong.

However, no sanction building plan was presented by the owner to undersigned, Hence, the property No. 1/595, Moti Ram Road, Ram Nagar, Shahdara, Delhi has been booked vide booking file no. 123/B-II/UC/SH-N/2026 dated 07.10.2026, u/c in the shape of Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor with projection on Mpl Land. The Show cause notice is being sent through speed post. The reply of the same is awaited. Further action will be taken as per DMC Act, 1957.

It is further submitted that the Hon'ble High Court of Delhi has passed the order dated 08.09.2025 in Cont. Case No. 902/2025 & order dated 19.09.2025 in WP(C) No. 13237/2025 in reference to the cases "only nearby neighbour is entitled to file complaint for unauthorized construction. It is submitted that neighbor only arises if the legal rights of light and air or any other legal right is affected by virtue of the illegal construction of the neighbour". The complainant address mentioned in the complaint is 1/3389, Second Floor, Ram Nagar, Shahdara and the same is far away from the subject mentioned property."

The officer representing the department also produced a recent photograph of the subject property and submitted that it did not match the photograph annexed by the complainant to his complaint. The complainant maintained that the photograph submitted by him was of the same property but had been taken in March 2025, on account of which the

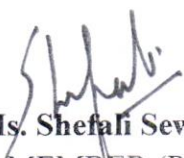
property presently appears different. The respondent department further submitted that the complainant has filed several complaints with MCD against different properties. The Complainant describes the property in question as '595, Moti Ram Road' while the departmental inspection identified the correct address as '1/595, Moti Ram Road.'

4. Observations of the Commission

The Commission notes that the MCD has inspected the subject property and found that the owner did not produce a sanctioned building plan. The property has accordingly been booked for unauthorised construction vide File No. 123/B-II/UC/SH-N/2026 dated 07.10.2026, and proceedings have been initiated under the DMC Act. In view of the action already initiated by the competent municipal authority, the grievance raised before the Commission stands addressed. The dispute between the parties regarding the photograph annexed to the complaint does not require determination by the Commission, particularly since MCD has independently inspected and identified the subject property and initiated action against it.

5. Directions

The respondent department is directed to proceed with the action already initiated against property No. 1/595, Moti Ram Road, Ram Nagar, Shahdara, Delhi, in accordance with the DMC Act, and take the proceedings to their logical conclusion. No further intervention by the Commission is required at this stage. The complaint is accordingly disposed of.


(Ms. Shefali Sewak)

Part-Time/MEMBER (PGC)

Dated: 13/10/26

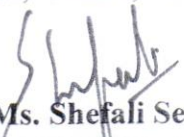
No.F.PGC/2026/A.II/MCD/637 10857

To,

1. The Commissioner, Municipal Corporation of Delhi, Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, New Delhi – 110002.
2. The Dy. Commissioner, Zonal Office Building, 1st floor, Keshav Chowk near Shyam Lal College, Shahdara, Delhi -110032.
- ✓ 3. The Technical Officer (PGC) to upload this order on the website of the PGC.

Copy for information to:

4. Sh. Subhash Chand Sharma, R/O 1/3389, Second Floor, Ramnagar, Sahara, Delhi – 110032. M. No. 9818108585


(Ms. Shefali Sewak)

Part-Time MEMBER (PGC)