

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: 28.09.2026

Complainant : Sh. Rakesh Saxena, (Dairy No.3012/7/26)

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/614

1. Brief facts of the complaint

The grievance of the Complainant concerns alleged unauthorised construction at property bearing No. C-99, Sarvodaya Apartments, Ashok Vihar, Phase-IV, Delhi. The Complainant alleges that construction has been carried out contrary to the sanctioned building plan and by encroaching upon common areas. He states that he has submitted approximately 50–75 complaints between 2021 and 2026 through the LG Portal, CPGRAMS and to various officials of the Municipal Corporation of Delhi. According to him, although the property was booked by the MCD under the following particulars, no effective enforcement action has been taken thereafter:

Booking Number: 749

Booking ID: L260924150186668

Booking File Number: 170/N-II/UC/KPZ/2021

The Complainant further alleges that the booking of the property was incomplete and did not account for the entire unauthorised construction. He seeks appropriate action against the unauthorised construction, disclosure of the action taken by the MCD and examination of the reasons for the prolonged delay in the matter.

2. Proceedings in the Public Grievance Commission

The PGC has convened the 2nd hearing in the matter on 28.09.2026.

3. Facts emerged during the proceedings

The Complainant was present, and reiterated his grievance. Shri R.K. Meena, AE (B)/KPZ appeared on behalf of the Respondent Department and filed an ATR. The Complainant reiterated that the property has already been booked by the MCD for unauthorised construction, but no further action had been taken. He further submitted that a portion of the property has been constructed in a cantilevered manner over a mandir and apprehends that it may collapse, thereby posing a danger to persons in and around the premises.

The Respondent Department states that the property had been inspected by the area JE (Building) on 24.09.2026 and that no cantilevered construction posing a danger to the public or passers-by was found. Photographs taken during the inspection were also placed on record. The photographs show the subject premises to be a residential flat and do not disclose any mandir beneath the property, as alleged by the Complainant. The ATR filed by the Respondent Department states as follows:

"In the present case the Hon'ble Member PGC in the complaint relating to unauthorized construction at Property bearing No. C-99, Sarvodaya Apartments, Ashok Vihar, Phase-IV, Delhi, the ATR on the next date of hearing, i.e., 28.09.26. As directed the point wise reply/ATR is submitted as under:

- 1. As directed the property was inspected by the area JE(B) on 24.09.26 and no cantilevered construction was noticed which can pose danger to the general public or passer-by. The photographs taken during the inspection are attached herewith for perusal please.*
- 2. The complete record relating to booking file No.170/B-II/UC/KPZ/2021 dated 6.10.21 was perused. The demolition action will be taken as per the provisions of DMC Act with the assistance of Local Police.*
- 3. (a) The unauthorized construction recorded at the time of booking: The perusal of the file reveals that unauthorized construction in the shape of entire floor over the roof of Flat No. 99, Pkt. C, Ashok Vihar, Phase-IV, Delhi stands booked. The photo-copy of the file is attached herewith.*
(b) The notices and orders issued pursuant to the booking: The complete file attached.
(c) The enforcement action till date: The action against the unauthorized construction, i.e., demolition was planned on 09.02.22, 22.02.22 and 03.03.22, but action could not be taken due to shortage of time. The photo-copy is attached herewith.
(d) The present status of the construction: As reported by the area JE(B) only water tank structure & small tin shed structure over the roof of Flat No. 99, Pkt. C, Ashok Vihar, Phase-IV exists at site. The photographs are attached herewith.

- (e) *The findings regarding the alleged cantilevered construction pursuant to the inspection: As directed the property was inspected by the area JE(B) on 24.09.26 and no cantilevered construction was noticed which can pose danger to the general public or passer-by. The photographs taken during the inspection are attached herewith for perusal please.*
- (f) *The course of action proposed to be taken by the Respondent department for disposal of the matter: The department has planned a demolition program for the unauthorized construction and the same has been fixed for 07.10.26. Letter is being sent to the concerned SHO for providing the Police Force on 7.10.26.”*

During the hearing, the Complainant stated that he was acquainted with the occupant of the subject flat and had personally approached them to tell them not to carry out the renovation. The Complainant was advised that any suspected violation of municipal or building laws should be brought to the notice of the MCD for appropriate action, rather than taking it up directly with the occupants of the property.

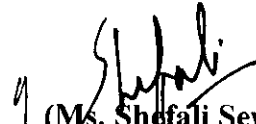
4. Observations of the Commission

The Respondent Department has inspected the subject property, examined the booking file and placed photographs and the present status of the construction on record. According to the inspection conducted on 24.09.2026, no cantilevered construction posing a danger to the public or passers-by was found. The material placed before the Commission also does not substantiate the Complainant's allegation that the subject property is cantilevered over a mandir. The Department has further reported that, at present, only a water tank structure and a small tin-shed exist on the roof of the flat and that demolition action in respect of the unauthorised construction has been scheduled for 07.10.2026, for which police assistance has been sought. In view of the inspection conducted by the MCD, the ATR and photographs placed on record, and the enforcement action now proposed by the Department, no further intervention of the Commission is presently required.

5. Directions

In view of the above facts and the ATR filed by the respondent department, it is clear that the respondent department is taking the necessary steps including removal of any unauthorised construction, for which a demolition program is already scheduled for 07.10.2026 with police force. The Commission directs the respondent department to take action as per the provisions of the DMC Act, with regard to any other unauthorized

constructions, if any, found at the said property. With these observations and directions, the matter is disposed of at the level of the Commission.

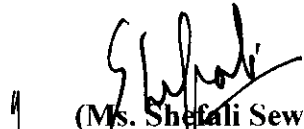

(Ms. Shefali Sewak)
Part-Time MEMBER (PGC)
Dated: 29/9/26

No.F.PGC/2026/A.II/MCD/614 10309-310
To,

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

Copy for information to:

2. Sh. Rakesh Saxena, R/O 218, Nimri Colony, Near Ashok Vihar, Phase-IV, Delhi – 110052. M. No. 9899388453 email : rakeshsaxena1969@rediffmail.com


(Ms. Shefali Sewak)
Part-Time MEMBER (PGC)