

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: 14.09.2026

Complainant : Sh. Subhash Chand Gupta
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/583

1. Brief facts of the complaint

The complainant alleges that unauthorized construction is being carried out at Property No. E-3, Gali No. 9, Jyoti Colony, Delhi – 110093 by the owner, Shri Atul Tyagi. According to the complaint, the construction violates the provisions of the DMC Act, Building Bye-laws, MPD-2021 and environmental norms. The complainant has further alleged, inter alia, that an unauthorized basement is being constructed, government land has been encroached upon by projecting balconies/chhajjas, inferior construction material is being used, and the construction activity is causing pollution and inconvenience to the public. The complainant has prayed for appropriate action, including sealing and demolition of the alleged unauthorized construction.

2. Proceedings in the Public Grievance Commission

The PGC has convened the 3rd hearing in the matter on 14.09.2026.

3. Facts emerged during the proceedings

The complainant appeared in person and the respondent department was represented by Shri B. Srinivas, Assistant Engineer (Bldg.-II), Shahdara North Zone, MCD. The complainant reiterated his grievance. The representative of the respondent department filed an ATR, which reads as under:

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

It is to submit that, regarding encroachment on subject property a letter has been sent to the Executive Engineer (Maintenance)-III, North East Zone ascertain encroachment on government land.

It is to submit that, as per local enquiry, the Elevation (Facade) of subject property has been modified in the recent past. During the inspection of concern Junior Engineer neither building construction activity nor building material found at site

It is to submit that, the building is constructed after getting building sanction plan vide online ID 10064635 dated 28/06/2019 for basement to third floor for the commercial cum residential activity in the year 2019 for the plot area 194.81 SQM.

It is to submit that, since the sanction plan was approved in the year of 2019 a letter is send to owner wherein requested to provide the documents 1. Copy of ownership documents. 2. Copy of the sanctioned building plan. 3. Copy of Completion-cum-Occupancy Certificate. 4. Copy of electricity bill. 5. Copy of water supply bill. 6. Details of the house tax paid to till date. 7. Copy of conversion paid 8. Copy of other relevant documents, to ascertain the violation as per DMC Act. necessary action will be initiate as per DMC Act, after receiving the reply and report will be submit accordingly.

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."

During the hearing, the complainant stated that he resides approximately 500 metres away from the property in question. When asked by the Commission as to how he was affected by the alleged unauthorized construction, he stated that he might suffer injury while passing by the property. He further stated that he has no personal connection with the property or its owner.

4. Observations of the Commission

The Commission has considered the complaint, the submissions made during the proceedings and the ATR filed by the respondent department. The ATR shows that the property was constructed pursuant to a sanctioned building plan, that the site has been inspected by the JE, that the allegation regarding encroachment upon government land has been referred to the concerned Executive Engineer for verification, and that the owner has been called upon to furnish the relevant documents to enable the MCD to ascertain whether any violation of the DMC Act has taken place. The MCD has further stated that necessary action will be initiated in accordance with law if any violation is found. In view of the steps already taken by the MCD and its undertaking to proceed further in accordance with DMC Act, the Commission does not consider that further monitoring of the grievance is necessary.

5. Directions

The respondent department is directed to complete the examination already initiated by it and take such action as may be warranted under the DMC Act, Building Bye-laws and other applicable laws, if any violation is found. The respondent department is also directed to provide the complainant with a Hindi version of the ATR, as requested by him. In view of the action already taken by the competent municipal authority and its undertaking to proceed further in accordance with law, no further intervention or monitoring by the Commission is called for. The grievance is accordingly disposed of.

No.F.PGC/2026/A.II/MCD/583 9597

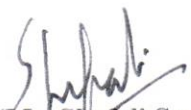
To,

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

2. The Technical Officer (PGC) to upload this order on the website of the PGC.

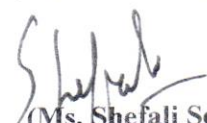
Copy for information to:

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


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

Dated:

17/9/26


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