



2025:DH:1784-08



\$-88

\*

IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of decision: 18<sup>th</sup> March, 2025*

+

W.P.(C) 3327/2025

**KARISHMA RESIDENTS WELFARE ASSOCIATION AND FORUM** .....Petitioner

Through: Mr. S. Ghosh, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS. ....Respondents

Through: Mr. Lalitaksh Joshi and Ms. Ananya Sanjiv Saraogi, Advocates for R-2.

Mr. Rajesh Srivastava, Advocate for R-3.

Mr. Rajshekhar Rao, Senior Advocate with

Mr. Nakul Mohta, Mr. Arihant Singh and

Mr. Yashraj Samant, Advocates for R-5.

(M: 9821446537).

Mr. Bharat Monga, Advocate for R-6 and R-

7. (M: 9354296293).

Mr. Mukesh Gupta and Mr. Sachin Singh Shahi, Advocates for MCD.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE RAJNEESH KUMAR GUPTA**

**Pratibha M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.

**CM APPL. 15750/2025 (for exemption)**

2. Allowed, subject to all just exceptions. Application is disposed of.

**W.P.(C) 3327/2025**

3. The present petition has been filed by the Petitioner Association-Karishma Residents' Welfare Association and Forum AudyogicKaramchari Cooperative Group Housing Society Ltd. under Article 226 of the

Validity unknown

Signed By: PRATHIBA  
DHYANI  
Signing Date: 18/03/2025  
19:27:13

W.P.(C) 3327/2025

Page 1 of 13

**AUDYOGIC KARAMCHARI CO-OP. GROUP HOUSING SOCIETY LTD.**  
Karishma Apartment, Plot No. 27, I.P. Extn. Patparganj, Delhi-110092  
Phone Nos. : 011 35102372/45595474 Email ID: akcghs0@gmail.com

**Date: 03-08-2025**

"Dear All Residents,

As you are aware, the MCD has conducted a survey and inspection of our society regarding illegal constructions-and encroachment as per Honorable court order Date 18/ 03/2025 To address this matter, the Management Committee has requested the Building Department to:

1. Stay further notices and inspections
2. Hold off on any additional surveys for 45 days (as of 24/05/2025)

Given the seriousness of the situation, the Management Committee has decided to convene a Special General Body Meeting (GBM) very soon to:

1. Appoint an MCD-approved architect
2. Prepare a revised sanction plan

Your participation, approval, and support are crucial in this matter. We will keep you updated on the GBM details.

To facilitate this process, we kindly request each member to deposit Rs. 4000. Please note that this amount will be utilized only after approval from the Special GBM.

Thank you for your understanding and cooperation.

Management Committee"  
**Karishma Apartment**



Cc:- Registrar of Cooperative Society



2025:DHC:1784-DB



50

ATTESTED

6.	Manish Anand	Delhi - 110092 Flat No. 68, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	NOTARY PUBLIC DELHI INDIA <i>[Signature]</i>
7	Vijay Singh	Flat No. 111, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Government Employee Honorary Member	NOTARY OF INDIA <i>[Signature]</i>
8	Prashant Kumar Maheshwari	Flat No. 95, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Government Employee Honorary Member	NOTARY OF INDIA <i>[Signature]</i>
9	Rajesh Singh Gusain	B-12/6, Gali No. 3 West Vinod Sagar Delhi - 110092	Business	NOTARY OF INDIA <i>[Signature]</i>
10	Vivek Anand	H.No. 348/2 Asha Raini Col. No. 4, Mandawali Phase 2 Delhi - 110092	Employed IT Professional	NOTARY OF INDIA <i>[Signature]</i>
11	Rohit Garg	Flat No. 34, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Business	NOTARY OF INDIA <i>[Signature]</i>
12	Vijay Kumar	H. No. 145, Chander Vihar Mandawali Delhi - 110092	Self Employed	NOTARY OF INDIA <i>[Signature]</i>
13	Ashok Kumar Bonerjee	Flat No. 25, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Retired Government Employee	NOTARY OF INDIA <i>[Signature]</i>
14	Sunil	Flat No. 189, Karishma	Professional	<i>[Signature]</i>

ATTESTED



2025:OHC:1784-08



Constitution of India, *inter alia*, seeking removal of encroachments and unauthorized construction by certain members of the Audyogic Karamchhari Cooperative Group Housing Society Ltd., Patparganj, which has about 260 flats.

4. The Petitioner Association claims to be an Association registered on 19<sup>th</sup> February, 2025 and having 20 members. Their list is set out below :-

S.No	Name	Address	Occupation	Signature
1	Sanjay Nautiyal	Flat No. 74, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
2	Tarun Gupta	Flat No. 132, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
3	Arvind Kumar	Flat No. 235, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
4	Gagan Mittal	Flat No. 14, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
5	Sunil Kumar	Flat No. 173, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	

Validity unknown

Signed By M. M. A.  
DHYANI  
Signing Date: 19/03/2025  
19:27:13

W.P.(C) 3327/2025

Page 2 of 13



2025:DHC:1784-08



petition is completely *mala fide* inasmuch as, the Petitioner Association has been formed by persons, who contested the elections for the Managing Committee of the Audyogic Karamchari Cooperative Group Housing Society and lost. The Respondents seek to place on record photographs to show that the Petitioners themselves have encroachments and have done unauthorised construction.

8. Mr. Rajshekhar Rao, Id. Senior Counsel appearing for Respondent No.5 has brought to the notice of this Court, the order passed in *Himanshu vs. East Delhi Municipal Corporation and Anr. W.P.(C) 8140/2022* on 31st July 2023, where, in such matters, the Special Task Force (hereinafter 'STF') has been constituted pursuant to the orders of the Supreme Court in *W.P.(C) 4677/1885* titled as '*M. C. Mehta vs. Union of India*' passed on 24th April 2018 and 18th July 2018. According to him, the STF would be the appropriate body to look into this matter.

9. In the opinion of this Court, when petitions for removal of unauthorized construction and encroachments are filed by third parties, the members of the Petitioner Association themselves ought to **come with clean hands**. In order to verify the allegations made against the Petitioners, there ought to be a report to check if the members of the **Petitioner Association themselves have not indulged in any encroachments and unauthorized construction.**

10. **Let the Municipal Corporation of Delhi (hereinafter 'MCD') inspect the flats of all the 20 members of the Petitioner Association, whose names are set out above with the flat numbers and file a report if there is any unauthorized constructions and encroachment in their flats first.**

11. **The MCD shall also do a survey and see if there is any unauthorized**

Validity unknown

Signed By: M. S. DIXIT  
DHYANI  
Signing Date: 24.03.2025  
19:27:13

W.P.(C) 3327/2025

Page 5 of 13



	Sumi	Apartment, IP Extension Patparganj, Delhi -110092		NOTARY PUBLIC GOVT. OF INDIA Delhi
15	Jitendra Kr Gupta	Flat No. 186, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
16	Varun Thukral	Flat No. 254, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Professional	NOTARY GOVT. OF INDIA Delhi
17	Ajay Kumar Sherma	Flat No. 48, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
18	Sabyasechi Banerjee	Flat No. 252, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
19	Sudhir Chand Toshi	H.No. B-229 old No. 7811 Badli main mandir Nagar, West Vinod Nagar Delhi -110092	Employed Professional	NOTARY GOVT. OF INDIA Delhi
20.	Vivek Satywalli	A-74 old No. 185 New, Gali No. 6, West Vinod Nagar Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi

5. The flat numbers of the members at Sl. No. 9, 10 and 12 above are:

- i) Mr. Rajesh Singh Gusain- Flat No. 83
- ii) Mr. Vivek Anand- Flat No. 185
- iii) Mr. Vijay Kumar- Flat No. 47

6. The allegation in the present petition is that despite the various complaints being made against Respondent Nos. 3 to 7 the unauthorized encroachments and illegal construction are not being removed.

7. The submission on behalf of the Respondents is that the present



2025-DHC-1764-DB



construction in the Society, in the other flats as well.

12. The observations of the coordinate Bench in *Himanshu(supra)* vide order dated 31st July 2023, are set out below: -

"3. Mr. Manu Chaturvedi, learned counsel for MCD, at the outset, states that a Special Task Force [hereinafter 'STF'] has been constituted by the DDA, pursuant to orders of the Supreme Court in W.P.(C) 4677/1985. The STF, comprising of a 15 member-body under the Chairmanship of Vice Chairman of DDA, entertains complaints relating to unauthorised construction and encroachments. Mr. Chaturvedi's contention is that the Petitioner be directed to approach the STF to seek redressal of his grievances qua the encroachments which form the subject matter of the petition. He has also highlighted that this Court is being flooded with similar PILs in respect of a large number of encroachments and illegal construction despite the fact that the said STF is in existence and is already looking into such instances of unauthorised and illegal construction/ construction over public land.

4. It has also been brought to the notice of this Court that a Coordinate Bench of this Court on 20<sup>th</sup> September, 2018, in W.P.(C) 1807/2018, passed the following order:

"1. All these petitions have been filed either in public interest or otherwise pointing out various illegalities in constructions made not only contrary to the sanctioned plan but also in contravention to the various laws including Municipal Corporation Act 1957, DDA Act 1957, NDMC Act, 1994, Archaeological Sites and Remains Act, 1958 and the Ancient Monument Preservation Act, 1904, so also encroachment on public land / street etc.

2. It is the case of each of the petitioners before us that the authorities have permitted constructions to be carried out in an illegal manner in various areas throughout the NCT of Delhi in violation of statutory provisions. Even footpaths have been encroached upon and constructions are being

Validity unknown

Signed by M. T. A.  
DHYANI  
Signing Date: 03.03.2025  
19:27:13

W.P.(C) 3327/2025

Page 6 of 13

**AUDYOGIC KARAMCHARI CO-OP. GROUP HOUSING SOCIETY LTD.**  
Karishma Apartment, Plot No. 27, I.P. Extn. Patparganj, Delhi-110092  
Phone Nos. : 011 35102372/45595474 Email ID: akcghs0@gmail.com

**Date: 03-08-2025**

"Dear All Residents,

As you are aware, the MCD has conducted a survey and inspection of our society regarding illegal constructions-and encroachment as per Honorable court order Date 18/ 03/2025 To address this matter, the Management Committee has requested the Building Department to:

1. Stay further notices and inspections
2. Hold off on any additional surveys for 45 days (as of 24/05/2025)

Given the seriousness of the situation, the Management Committee has decided to convene a Special General Body Meeting (GBM) very soon to:

1. Appoint an MCD-approved architect
2. Prepare a revised sanction plan

Your participation, approval, and support are crucial in this matter. We will keep you updated on the GBM details.

To facilitate this process, we kindly request each member to deposit Rs. 4000. Please note that this amount will be utilized only after approval from the Special GBM.

Thank you for your understanding and cooperation.

Management Committee"  
**Karishma Apartment**



Cc:- Registrar of Cooperative Society



2025:DHC:1784-DB



50  
ATTESTED

6.	Manish Anand	Delhi - 110092 Flat No. 68, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	NOTARY PUBLIC DELHI INDIA <i>[Signature]</i>
7	Vijay Singh	Flat No. 111, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Government Employee Honorary Member	NOTARY OF INDIA <i>[Signature]</i>
8	Prashant Kumar Maheshwari	Flat No. 95, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Government Employee Honorary Member	NOTARY OF INDIA <i>[Signature]</i>
9	Rajesh Singh Gusain	B-12/6, Gali No. 3 West Vinod Nagar Delhi - 110092	Business	NOTARY OF INDIA <i>[Signature]</i>
10	Vivek Anand	H. No. 348/2 Asha Rani Col. No. 4, Mandawali Phase 2 Delhi - 110092	Employed IT Professional	NOTARY OF INDIA <i>[Signature]</i>
11	Rohit Garg	Flat No. 34, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Business	NOTARY OF INDIA <i>[Signature]</i>
12	Vijay Kumar	H. No. 145, Chander Vihar Mandawali Delhi - 110092	Self Employed	NOTARY OF INDIA <i>[Signature]</i>
13	Ashok Kumar Bonerjee	Flat No. 25, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Retired Government Employee	NOTARY OF INDIA <i>[Signature]</i>
14	Sunil	Flat No. 189, Karishma	Professional	<i>[Signature]</i>

ATTESTED



2025:OHC:1784-08



Constitution of India, *inter alia*, seeking removal of encroachments and unauthorized construction by certain members of the Audyogic Karamchhari Cooperative Group Housing Society Ltd., Patparganj, which has about 260 flats.

4. The Petitioner Association claims to be an Association registered on 19<sup>th</sup> February, 2025 and having 20 members. Their list is set out below :-

S.No	Name	Address	Occupation	Signature
1	Sanjay Nautiyal	Flat No. 74, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
2	Tarun Gupta	Flat No. 132, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
3	Arvind Kumar	Flat No. 235, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
4	Gagan Mittal	Flat No. 14, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	
5	Sunil Kumar	Flat No. 173, Karishma Apartment, I P Extension Patparganj, Delhi - 110092	Professional	

Validity unknown

Signed By M. M. A.  
DHYANI  
Signing Date: 19/03/2025  
19:27:13

W.P.(C) 3327/2025

Page 2 of 13



2025:DHC:1784-08



petition is completely *mala fide* inasmuch as, the Petitioner Association has been formed by persons, who contested the elections for the Managing Committee of the Audyogic Karamchari Cooperative Group Housing Society and lost. The Respondents seek to place on record photographs to show that the Petitioners themselves have encroachments and have done unauthorised construction.

8. Mr. Rajshekhar Rao, Id. Senior Counsel appearing for Respondent No.5 has brought to the notice of this Court, the order passed in *Himanshu vs. East Delhi Municipal Corporation and Anr. W.P.(C) 8140/2022* on 31st July 2023, where, in such matters, the Special Task Force (hereinafter 'STF') has been constituted pursuant to the orders of the Supreme Court in *W.P.(C) 4677/1885* titled as '*M. C. Mehta vs. Union of India*' passed on 24th April 2018 and 18th July 2018. According to him, the STF would be the appropriate body to look into this matter.

9. In the opinion of this Court, when petitions for removal of unauthorized construction and encroachments are filed by third parties, the members of the Petitioner Association themselves ought to **come with clean hands**. In order to verify the allegations made against the Petitioners, there ought to be a report to check if the members of the **Petitioner Association** themselves have not indulged in any encroachments and unauthorized construction.

10. Let the Municipal Corporation of Delhi (hereinafter '*MCD*') inspect the flats of all the 20 members of the Petitioner Association, whose names are set out above with the flat numbers and file a report if there is any unauthorized constructions and encroachment in their flats first.

11. The MCD shall also do a survey and see if there is any unauthorized

Validity unknown

Signed By: X. S. DIXIT  
DHYANI  
Signing Date: 24.03.2025  
19:27:13

W.P.(C) 3327/2025

Page 5 of 13



	Sumi	Apartment, IP Extension Patparganj, Delhi -110092		NOTARY PUBLIC GOVT. OF INDIA Delhi
15	Jitendra Kr Gupta	Flat No. 186, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
16	Varun Thukral	Flat No. 254, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Professional	NOTARY GOVT. OF INDIA Delhi
17	Ajay Kumar Sherma	Flat No. 48, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
18	Sabyasechi Banerjee	Flat No. 252, Karishma Apartment, IP Extension Patparganj, Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi
19	Sudhir Chand Toshi	H.No. B-229 old No. 7811 Badli main mandir Nagar, West Vinod Nagar Delhi -110092	Employed Professional	NOTARY GOVT. OF INDIA Delhi
20.	Vivek Satyavalli	A-74 old No. 185 Nand, Gali No. 6, West Vinod Nagar Delhi -110092	Business	NOTARY GOVT. OF INDIA Delhi

5. The flat numbers of the members at Sl. No. 9, 10 and 12 above are:

- i) Mr. Rajesh Singh Gusain- Flat No. 83
- ii) Mr. Vivek Anand- Flat No. 185
- iii) Mr. Vijay Kumar- Flat No. 47

6. The allegation in the present petition is that despite the various complaints being made against Respondent Nos. 3 to 7 the unauthorized encroachments and illegal construction are not being removed.

7. The submission on behalf of the Respondents is that the present



2025-DHC-1764-DB



construction in the Society, in the other flats as well.

12. The observations of the coordinate Bench in *Himanshu(supra)* vide order dated 31st July 2023, are set out below: -

"3. Mr. Manu Chaturvedi, learned counsel for MCD, at the outset, states that a Special Task Force [hereinafter 'STF'] has been constituted by the DDA, pursuant to orders of the Supreme Court in W.P.(C) 4677/1985. The STF, comprising of a 15 member-body under the Chairmanship of Vice Chairman of DDA, entertains complaints relating to unauthorised construction and encroachments. Mr. Chaturvedi's contention is that the Petitioner be directed to approach the STF to seek redressal of his grievances qua the encroachments which form the subject matter of the petition. He has also highlighted that this Court is being flooded with similar PILs in respect of a large number of encroachments and illegal construction despite the fact that the said STF is in existence and is already looking into such instances of unauthorised and illegal construction/ construction over public land.

4. It has also been brought to the notice of this Court that a Coordinate Bench of this Court on 20<sup>th</sup> September, 2018, in W.P.(C) 1807/2018, passed the following order:

"1. All these petitions have been filed either in public interest or otherwise pointing out various illegalities in constructions made not only contrary to the sanctioned plan but also in contravention to the various laws including Municipal Corporation Act 1957, DDA Act 1957, NDMC Act, 1994, Archaeological Sites and Remains Act, 1958 and the Ancient Monument Preservation Act, 1904, so also encroachment on public land / street etc.

2. It is the case of each of the petitioners before us that the authorities have permitted constructions to be carried out in an illegal manner in various areas throughout the NCT of Delhi in violation of statutory provisions. Even footpaths have been encroached upon and constructions are being

Validity unknown

Signed by M. T. A.  
DHYANI  
Signing Date: 03.03.2025  
19:27:13

W.P.(C) 3327/2025

Page 6 of 13



2025:DH:1784-08



\$-88

\*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 18<sup>th</sup> March, 2025

+

W.P.(C) 3327/2025

**KARISHMA RESIDENTS WELFARE ASSOCIATION AND FORUM** .....Petitioner

Through: Mr. S. Ghosh, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS. ....Respondents

Through: Mr. Lalitaksh Joshi and Ms. Ananya Sanjiv Saraogi, Advocates for R-2.

Mr. Rajesh Srivastava, Advocate for R-3.

Mr. Rajshekhar Rao, Senior Advocate with

Mr. Nakul Mohta, Mr. Arihant Singh and

Mr. Yashraj Samant, Advocates for R-5.

(M: 9821446537).

Mr. Bharat Monga, Advocate for R-6 and R-

7. (M: 9354296293).

Mr. Mukesh Gupta and Mr. Sachin Singh

Shahi, Advocates for MCD.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE RAJNEESH KUMAR GUPTA**

Pratibha M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 15750/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 3327/2025

3. The present petition has been filed by the Petitioner Association-Karishma Residents' Welfare Association and Forum AudyogicKaramchari Cooperative Group Housing Society Ltd. under Article 226 of the

Validity unknown

Signed By: PRATHIBA  
DHYANI  
Signing Date: 18/03/2025  
19:27:13

W.P.(C) 3327/2025

Page 1 of 13