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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 508/2024 & CM APPL. 29798/2024**

MOHD PARVEZ

..... Petitioner

Through: Mr. Naveen Solia, Advocate for
Mr. Sohail Khan, Advocate with
petitioner in person.
(M): 9911007531
Email: advsohailkhan@gmail.com

versus

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

Through: Mr. Sunil Satyarthi with Ms.
A.Satyarthi and Ms. Amita Satyarthi,
Advocates.
(M): 9811060737
Email: sunilsatyarthi@yahoo.co.in
Mr. Gaganmeet Singh Sachdev with
Mr. Inderdeep Ahluwalia, Advocates
for respondent/DDA.
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Mr. Abhinav Singh with Mr. Praveen
Kaushik, Advocates for
respondent/Delhi Police.
(M): 9811188892
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SI Pardeep Malik, PS Jamia Nagar.
(M): 8376056033
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Email: pardeep.16190714@delhipolice.gov.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



ORDER

17.05.2024

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CM APPL. 29798/2024

1. The present application has been filed on behalf of the private respondent nos. 4, 5 and 6, who are the owners of the property in question, to take up the matter on an early date, on account of the action being taken by the Municipal Corporation of Delhi (“MCD”).
2. Considering the submissions made in the present application, the present application is allowed and the matter is taken up for hearing today itself.
3. With the aforesaid observations, the present application is disposed of.

CONT.CAS(C) 508/2024

4. The present contempt petition had been filed alleging willful disobedience of the order dated 30th November, 2023 passed in W.P. (C) No. 15385/2023, wherein, it had been noted that after inspection of the property in question, i.e., property adjoining S-10/15A, S-Block, Joga Bai Extension, New Delhi, appropriate action shall be taken against the unauthorized construction, if any.
5. Today, a Status Report dated 22nd April, 2024 has been handed over to this Court, that was filed with the Registry of this Court today itself. The said Status Report is taken on record.
6. As per the aforesaid Status Report, the MCD has taken action in the following manner:-

“xxx xxx xxx

8. *That pursuant to aforesaid directions, the details of actions*



initiated vis-à-vis taken by the answering respondent against unauthorized construction carried at subject property identified as property adjoining S-10/15A, S-Block, Jogabai Extension, New Delhi, are detailed herein below:-

- i) **Demolition proceedings u/s 343/344 of the DMC Act-** As per record, unauthorized construction in the subject property was first noticed on 16.10.2023 in the shape of Ground Floor, First Floor and Second Floor. The answering respondent initiated demolition proceedings against said unauthorized construction u/s 343/344 of the DMC Act vide File No. 451/B/UC/EE(B)-I/CNZ/2023 dated 16.10.2023. The competent authority after following due process of law passed demolition order vide dated 26.10.2023. Copy of demolition order dated 26.10.2023 is annexed herewith as **Annexure:A.**
- ii) **Work Stop Notice u/s 344(2) of the DMC Act-** To prevent further unauthorized construction, the answering respondent issued work stop notice to SHO/PS-Jamia Nagar vide No. D/384/AE(B)-III/Central Zone/2023 dated 17.10.2023 for getting the construction work stopped, to seize the building material, tools and plant and to disperse the workforce from construction site. Copy of work stop notice is annexed herewith as **Annexure:B.**
- iii) **Disconnection of Water & Electricity-** The answering respondent vide letter No. D/389/AE(B)-III/Central Zone/2023 dated 17.10.2023 also referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of the said letter is annexed herewith as **Annexure-C.**
- iv) **Sealing proceedings u/s 345-A of the DMC Act:-** Sealing proceedings u/s 345-A of the DMC Act was also initiated against subject property and upon following due process of law, sealing order also stand passed on 29.11.2023 vide file No. 12902/B/Seal/2023. Copy of sealing order dated 29.11.2023 is annexed herewith as **Annexure: D.**

9. That, despite initiation of above actions on the part of the answering respondent, the owner did not stop the construction activity and raised further unauthorized construction of third and fourth floor. The answering respondent initiated demolition proceedings against the said unauthorized construction also u/s 343/344 of the DMC Act vide file No. 530/B/UC/EE(B)-I/CNZ/2023 dated 30.11.2023. This was followed by Work Stop Notice to SHO/PS Jamia Nagar for getting the construction



work stopped forthwith. Copy of work stop notice bearing No. D/457/AE(B)-III/CNZ/2023 dated 01.12.2023 is annexed herewith as **Annexure:E**. The letter sent to concerned electricity company and Delhi Jal Board on 01.12.2023 for disconnection of electricity & water connection is annexed herewith as **Annexure:F**. The Competent Authority after following due process of law in the demolition proceedings also passed demolition order dated 08.12.2023. Copy of demolition order dated 08.12.2023 is annexed herewith as **Annexure: G**. The answering respondent also initiated sealing proceedings u/s 345-A of the DMC Act against aforementioned unauthorized construction and sealing order also stand passed on 05.01.2024. Copy of sealing order dated 05.01.2024 is annexed herewith as **Annexure: H**.

10. That, pursuant to demolition/sealing orders already stand passed the department has taken the following actions in respect of subject property:-

S. No.	Date	Action Taken
1.	02.01.2024	During the said action, the answering respondent demolished 06 number of RCC roof panels at fourth floor and their reinforcement were also cut down with the help of gas cutter. During the action, fourth floor of the property was made uninhabitable.
2.	14.03.2024	During the said action, it has been noticed that the Owner/Builder has repaired/restored the earlier demolished structure, however during the action the property was sealed at total 09 points, 05 shops were sealed at Ground Floor, each at one point. Further, middle flat of first floor, second floor and third floor have been sealed each at one point (total 03 points). Further the property has also been sealed at stair case at 4 th floor leading to terrace. Action against rest of



		<i>the property could not been taken, as the same was found occupied.</i>
3.	15.03.2024	<i>On noticing that rest of the portion of the property has been occupied, a vacation notice bearing No. D/703/AE(B)-II/CNZ/2024 dated 15.03.2024 has also been issued to the Owner/Builder/Occupier of the property and a copy of the same has also been endorsed to the SHO, PS Jamia Nagar to get the same vacated.</i>
4.	09.04.2024	<i>Action could not be taken as the same was found occupied and not got vacated by police despite vacation letter.</i>
5.	18.04.2024	<i>during the action, middle flat of second floor was de-sealed and 02 RC panels were demolished at roof of first floor, reinforcement was cut down with the help of gas cutter, then middle flat of second floor was against sealed after demolition. Further the property was de-sealed at staircase at fourth floor and walls at terrace of fourth floor were demolished, after demolition the property was again sealed at stair case at staircase at fourth floor.</i>

*Photographs in respect of the aforesaid actions as undertaken by the department and copy of vacation notice/letter as sent are annexed herewith as **Annexure: I (Colly)**.*

11. That it is also pointed out that after taking the aforesaid demolition/sealing action letters for watch & ward have also been sent to the concerned SHO, PS Jamia Nagar with the request to direct the patrolling staff to keep strict vigil on the subject property so that Owner/Builder may not be able to restore/reconstruct the demolished



*portion of the property and tamper with the seals as affixed. The copy of the watch & ward letters dated 04.01.2024, 14.03.2024 and 18.04.2024 in this regard are annexed herewith as **Annexure: J (Colly)**.”*

7. Considering the aforesaid, it is clear that MCD has already taken action over the property in question. Further letters of watch and ward dated 04th January, 2024, 14th March, 2024 and 18th April, 2024, have also been issued to the SHO, Police Station Jamia Nagar, to keep strict vigilance on the subject property, so that fresh unauthorized construction is not carried out.
8. Accordingly, no further orders are required to be passed in the present petition.
9. In view thereof, the present petition is disposed of, as having been satisfied, with liberty to the petitioner to revive the present petition, in case any further unauthorized construction is carried out in the property in question.
10. The next date of hearing of 30th August, 2024, stands cancelled.

MINI PUSHKARNA, J

MAY 17, 2024

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