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

+ **W.P.(C) 627/2025 and CM APPL. 2975/2025**

KAPIL KUMAR GUPTA

.....Petitioner

Through: Mr. Vimezhunuo Kire and Mr. Mohit
Yadav, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Kannopriya Gupta, Advocate for
R1.

Mr. Ankit Verma, Senior Panel Counsel for R2
and also Mr. Ram Kumar, Central Govt. Senior
Panel Counsel with Mr. Sushil Kumar and Mr.
Sachin, Advocates for R2.

SI Lokendra Singh, PS Malviya Nagar.

Mr. R.K. Dhawan, Standing Counsel with Ms.
Nisha Dhawan, Mr. V.K. Teng and Mr. Naman
Kumar Thakur, Advocates for DDA.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

20.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article
226 of the Constitution of India seeking the following reliefs:-

*“i) Issue necessary orders in nature of writ of mandamus and issue orders
and direction against the respondent No. 1 i.e. Municipal Corporation of
Delhi and its officials to take the immediate step to stop the ongoing
illegal and unauthorized construction being carried out by the respondent
No.4 at the property in question i.e Property No. T-7 4 Khirki
Nagar, near Krishna Mandir Malviya Nagar, New Delhi-110017
admeasuring about 100 Sq. Yds. along with Basement;*

*ii) Issue writ in nature of mandamus and pass orders and directions
against the respondent No.2 i.e. SHO P.S.Malviya Nagar & respondent*



No.3 i.e. Special Task Force to take immediate step and to provide all assistance and police force to the respondent No.1 for stopping ongoing illegal and unauthorized construction over the said property by the respondent No.4.

iii) Issue writ in nature of mandamus and to pass orders and directions against the respondent No.4 not to commit any violation of the provisions of Municipal Corporation of Delhi Act, 1957 (As amended upto date) and Building Bye-Laws;

iv) The directions may also be issued to the respondent No.1, 2 & 3 to take appropriate action to register the FIR against the respondent No.4.”

2. Issue notice.
3. Counsels, as above, accept notice on behalf of the respective Respondents.
4. Petitioner alleges unauthorised construction in property bearing No. T-74B(2), Krishna Mandir Lane, Khirki Extension, New Delhi. It is stated in the writ petition that Petitioner had made complaints to the MCD as well as to the Special Task Force (STF) constituted vide orders of the Supreme Court in ***M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730*** and ***M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419***, but no action has been so far.
5. Learned counsel appearing on behalf of MCD, on advance copy of the writ petition, hands over copy of letter dated 16.01.2025 written to SHO, Police Station: Malviya Nagar for stoppage of unauthorized construction in the subject property falling in Ward No. 172-S (Chirag Delhi), under Section 344 (2) of Delhi Municipal Corporation Act, 1957 ('DMC Act'). Copy of show cause notice dated 16.01.2025 issued to Respondent No.4/ owner/occupier of the subject property is also handed over. Respondent No.4 has been called upon to submit his reply within seven working days as to why order of demolition under Section 343 of the Act be not passed.



Copies of the documents are taken on record. Additionally, Sub-Inspector Lokendra Singh from PS: Malviya Nagar, who is present in Court, submits that unauthorised construction has been stopped by the occupier of the premises today.

6. Accordingly, this writ petition is disposed of taking the stand of MCD and the police on record. Needless to state that further action will be taken by MCD, on receipt of reply from Respondent No.4 in accordance with law and depending on the stand taken by him. Any action taken by MCD will be compliant with all statutory requirements and as per the judgments of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

7. In case of any surviving grievance, Petitioner will be at liberty to approach the STF. This order is made without prejudice to the rights and contentions of Respondent No.4.

8. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 20, 2025
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