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

+ **CONT.CAS(C) 88/2024&CM APPL. 58932/2024**

ASHOK KUMAR

.....Petitioner

Through: Mr. Dinesh Dahiya, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Siddhant Nath, SC for MCD with
Mr. Bhavishya Makhija, Mr. A. Khan,
Advs.

Mr. Satya Ranjan Swain, Mr.
Vishwadeep, Mr. Kautilya Birat, Mr.
Ankush Kapoor, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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19.09.2025

1. This hearing has been done through hybrid mode.
2. The present petition under Section 11 and Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India seeks the following prayers: -

“a) Initiate Contempt proceedings and punish the Respondents/Contemnors for Contempt of the order dated 13.02.2023 passed by this Hon'ble Court in W.P.(C) No.172 of 2018 titled as Ram Prakash Sehrawat v/s SDMC and Others;

b) Pass such further and other order/s as may be deemed fit and proper in the facts and circumstances of the case.”

3. *Vide* order dated 13.02.2023 following directions were passed in



W.P.(C) 172/2018: -

“3. Learned counsel for respondent No.4 submits that unauthorized construction was also noticed in the petitioner's property and demolition order passed, however, no action has been taken by the MCD with respect to the said property.

4. Learned counsel for MCD submits that a fresh site inspection would be carried out and further action taken, if not already taken till date. The statement made on behalf of MCD is taken on record.”

4. Learned counsel appearing on behalf of the petitioner, who was respondent No. 4 in the aforesaid petition, has submitted that no compliance of the aforesaid order had taken place.

5. *Vide* order dated 28.04.2025, the Predecessor Bench of this Court had directed MCD to place on record a compliance for demolition of the 4th floor along with the requisite photographs. It was also observed in the aforesaid order, the present petitioner, who is stated to be a neighbour, would be at liberty to seek remedies in accordance with law with respect to the objection he had taken regarding protection granted in respect of the ground, 1st, 2nd and 3rd floors.

6. Status report dated 19.09.2025 is handed up in the Court today and the same has been taken on record. In the said status report, it has been recorded as under: -

“That as per record maintained by Building Deptt., Najafgarh Zone, further it is submitted that the ample opportunities for personal hearings were granted to Owner(s)/Builder(s)/Noticee Sh. Ram Prakash Sehrawat and he was heard on length. Having gone through the records/documents submitted by him, the Department (MCD) passed Speaking Order bearing No.EE(B)NGZ/24/U.C./S.O./D-8/556 dated 23/08/2024; whereby it has been held that - for the implementation of the provision of Section 343 & 344 of the DMC, Act, 1957, hereby pass the demolition order under Section



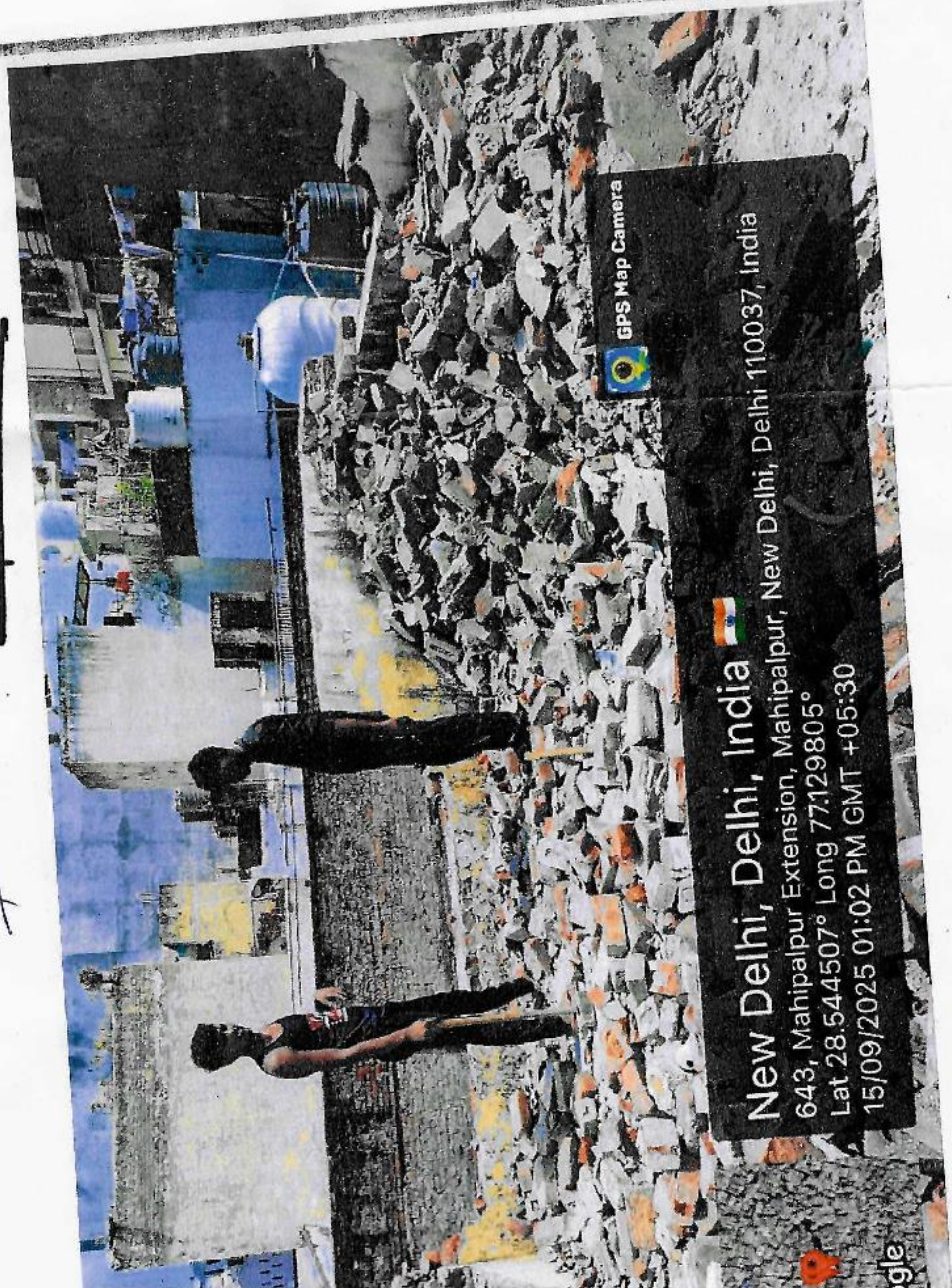
343 of the DMC Act against the 'U.C. in the shape of GF, FF, SF, 3rd floor and part 4th floor' as has been booked by the Department under U.C. File No.206/B/UC/NG/24 dated 22/04/2024. However, the demolition order shall remain suspended till 31st December 2026 as the same covers under "The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023 (No.42 of 2023)" (except structure made partly in the form of 4th floor), subject to compliance of provisions of the said Act inclusive of maintaining status quo in the property in question. Further, the Appellant is directed to demolish the structure made partly in the form of 4th floor, within six days from the date of receipt of this Order. In case he/they do not comply with the orders, Municipal Corporation of Delhi by itself will initiate action for demolition of alleged unauthorized construction. Copy of Speaking Order dated 23/08/2024 is annexed herewith as **Annexure-A.**

That with respect to the submission of compliance report of demolition of the fourth floor (partly) of the impugned property, it is submitted that the demolition action against the unauthorized construction in the form of partly 4th floor has been executed by the staff of answering Department on 15/09/2025 in the presence of police force. During course of demolition action, parapet wall has been demolished partly at 4th floor/terrace. No other permanent structure (room etc.) was noticed at terrace of 3rd floor/4th floor. The photographs taken during demolition are annexed herewith as **Annexure-B.**"

7. Photographs have been annexed with the said status report which are being produced as under: -



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ANNEX-B



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/09/2025 at 11:52:12



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8. In view of the above, the present petition is disposed of with liberty to the petitioner to seek appropriate remedies in accordance with law before the Court of competent authorities with respect to the speaking order dated 23.08.2024 passed by MCD.
9. Pending applications, if any, also stand disposed of accordingly.

AMIT SHARMA, J

SEPTEMBER 19, 2025/kr