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

+ **W.P.(C) 1846/2025 and CM APPL. 8850/2025**

PRABHA

.....Petitioner

Through: Mr. Hasnain Ali Zuberi, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Rakesh Malhotra and Mr. Kushal
Malhotra, Advocates for MCD.

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

ORDER

14.02.2025

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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 (Municipal Corporation of Delhi & its officials) to take immediate step to stop the ongoing illegal and unauthorized construction being carried by the respondent no.3 PROPERTY BEARING NO. 180-A, KHASRA NO. 180 & 181 GALI NO. 4, ZAKIAR NAGAR, JAMIA NAGAR, OKHLA NEW DELHI 110025

(ii) Issue Writ in nature of Mandamus and pass orders and direction against the respondent no.2 i.e., (S.H.O. P.S. Jamia Nagar) to take immediate step and to provide all assistance and police force to respondent no.1 for stopping ongoing illegal and unauthorized construction being carried by the respondent no.3 at the suit property.

(iii) Issue Writ in nature of Mandamus and to pass orders and direction against the respondent no.3 not to commit any violence of the provision of Delhi Municipal Corporation Act, 1987 & Building by laws therein. The direction may be issue to respondent no.1 and 2 to take appropriate action.”



2. Issue notice.
3. Mr. Rakesh Malhotra, learned counsel accepts notice on behalf of the Respondent No. 1/MCD and hands over a set of documents reflecting that action has been initiated by MCD against the subject property bearing No. 180-A, Khasra No. 180 & 181 Gali No. 4, Zakia Nagar, Jamia Nagar, Okhla, New Delhi. From the documents, it is evident that subject property was booked for unauthorized construction in the shape of excavation of a basement and raising of column re-enforcement. Show cause notice was issued under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (DMC Act) on 30.10.2024, calling upon the builder/occupier/Respondent No.3/Kashif Khan to submit the reply within three working days as to why order of demolition under Section 343 of the DMC Act be not passed. It is stated that despite several efforts notice could not be served on the owner/builder and the same was affixed on the subject property. Photographs reflecting the affixation have also been handed over. FIR has been registered on 30.10.2024 and letters have been sent to BRPL and DJB to disconnect electricity and water supply. Letter dated 02.12.2024 has been sent to the SHO, PS: Jamia Nagar, New Delhi to stop the unauthorized construction and remove the construction material from the site. It is submitted that further action will be taken in accordance with law.
4. In light of the aforesaid stand of MCD and the documents handed over in Court, no further order is required to be passed at this stage in the writ petition. It is made clear that any further action by MCD will be compliant with statutory provisions and the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*. This order is passed without prejudice to the rights and



contentions of Respondent No. 3 herein. In case of any surviving grievance, Petitioner will be at liberty to take recourse to legal remedies.

5. Writ petition stands disposed of along with the pending application.

JYOTI SINGH, J

FEBRUARY 14, 2025/jg/shivam