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

+ **W.P.(C) 1849/2025**

PUSHPA DEVI

.....Petitioner

Through: Mr. Vijay Sethi, Advocate with
Petitioner in person.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Puneet Yadav, Additional
Standing Counsel for MCD.
Ms. Tanvi Nigam and Mr. Varun Vats, Senior
Panel Counsels for UOI with Mr. Sanjiv Kumar
Verma, SHO, PS: Shalimar Bagh.

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

ORDER
17.02.2025

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CM APPL. 8853/2025

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

W.P.(C) 1849/2025 & CM APPL. 8852/2025

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

“(i) A Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Mandamus commanding the Respondent nos. 1 & 2 to forthwith demolish the illegal and unauthorised construction carried out by the Respondent no.3 to 4 in the property no. H.NO. 252, KHASRA NO. 15, SITUATED AT BANJARA GALI, VILLAGE HAIDERPUR, DELHI-110083.

(ii) A Writ of Prohibition to restrain the Respondent no.3 to 4 from



continuing with the said unauthorised construction raised in contravention of the provisions of Delhi Municipal Corporation Act, 1957 and the Building Bye- Laws of 1983.

(iii) A writ of mandamus or any other appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents to pay the costs of this petition to the Petitioner.”

4. Issue notice.

5. Counsels, as above, accept notice on behalf of the respective Respondents.

6. Learned counsel appearing on behalf of the MCD on advance copy of the writ petition and on instructions, submits that the property bearing H. No. 252, Khasra No. 15, Banjara Gali, Village Haiderpur, Delhi has been booked on 10.02.2025 since unauthorized construction was found in the entire Ground Floor, First Floor, as also unauthorised column and walls were found to be raised on the Second Floor. Show cause notice under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') has been issued on 10.02.2025. FIR has been registered at PS: Shalimar Bagh on 10.02.2025 against Sh. Rakesh S/o Sh. Rohtash, owner/occupier/builder of the property in question and a letter has been sent on the same day to SHO PS: Shalimar Bagh to ensure that the unauthorized construction is stopped and construction material is removed from the site. Documents handed over by learned counsel for MCD, during the course of hearing, are taken on record.

7. SHO PS: Shalimar Bagh is present in Court and submits that the property is under watch and ward for the last four days and there has been no further unauthorized construction and assures that vigil will be kept on the property so that no unauthorised construction is restarted.



8. In light of the action taken by MCD so far and assurance given on behalf of the police, at this stage no further order is required to be passed in the present writ petition. Needless to state that any further action by MCD will be compliant with statutory provisions of 1957 Act and applicable byelaws and keeping in view the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***

9. This order is passed without prejudice to the rights and contentions of Respondents No. 3 and 4.

10. In case of any further grievance, Petitioner will be at liberty to take recourse to legal remedies.

11. Writ petition along with pending application stands disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 17, 2025/shivam