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

+ **W.P.(C) 1990/2025**

NIKHAT PARVEEN

.....Petitioner

Through: Mr. Rajiv Bajaj, Mr. Vidur Marwah
and Ms. Shivani Bardia, Advocates.

versus

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

Through: Mr. Aditya Chaudhary, Advocate for
Respondent No.1/MCD.

Mr. Sanjeev Sabharwal, SPC and Ms. Shweta
Singh, Advocate with SI Shri Narayan, PS: Hauz
Qazi, for Respondent No.3/SHO.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.02.2025

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

“a. Issue a Writ of Mandamus or any other appropriate writ, order, or direction to Respondent No.2 to immediately cease all illegal construction activities on the premises bearing No. 3540, Katra Baber Beg, Lal Kuan, Delhi-110006.

b. Issue a Writ of Mandamus or any other appropriate writ, order, or direction commanding Respondent No.3 to take immediate and effective action against Respondent No.1 for the violations.”

2. Learned counsel for MCD submits that inspection of subject property bearing No.3540, Katra Babar Beg, Lal Quan, Delhi was conducted on 17.02.2025 and unauthorised construction in the form of Ground Floor, First Floor, Second Floor and Third Floor was noticed. On inquiry it was found



that the building was being constructed unauthorisedly by Sh. Md. Wasim/Builder and accordingly, a show cause notice dated 17.02.2025 was issued to him, which was affixed on the wall of the subject property. Copies of the inspection report, show cause notice dated 17.02.2025 as well as photographs showing affixation of the show cause notice are handed over in Court and taken on record. Additionally, learned counsel, on instructions, submits that fresh inspection was carried out on 17.02.2025 but no fresh construction was noticed.

3. Mr. Sanjeev Sabharwal, learned SPC appearing on behalf of Respondent No.3, on instructions from SI Shri Narayan, PS: Hauz Qazi, hands over a status report and submits that on 02.02.2025, the concerned Police officials visited the property and found that construction activity had resumed. Immediately, information was given to MCD Control Room vide Complaint No.2564 through operator Rajender and DD entry No. 42A was lodged at PS: Hauz Qazi on 02.02.2025. Pursuant to the said intimation, a letter was also sent to the office of DC/MCD, SP City Zone which was acknowledged by MCD on 10.02.2025. On 18.02.2025, copy of show cause notice/FIR was served on Shri Waseem, the builder and also pasted at the given site. Mr. Sabharwal further submits that as per the status report Petitioner and Respondent No. 2 are having a dispute over the construction activity as also a common entrance leading to their respective properties and Petitioner had filed a civil suit bearing CS No. 2052/2022 on 28.06.2022, which was dismissed on 20.11.2024 on an application filed by the Defendant under Order VII Rule 11A CPC, 1908, being devoid of cause of action. Both parties have filed complaints against each other on multiple issues and proceedings under Sections 126/169 BNSS have been initiated against both



the parties to maintain peace as also to avoid any untoward incident vide DD No.70A dated 07.02.2025 at PS: Hauz Qazi. It is assured that in case of any assistance required by MCD with respect to the unauthorised construction, necessary cooperation shall be rendered by the Police and additionally watch and ward will be maintained over the subject property to ensure that no further unauthorised construction takes place. Status Report is taken on record.

4. In light of the aforesaid stands, at this stage, no further order is required to be passed in the present writ petition, save and except, directing MCD to take necessary action against the unauthorised construction after following the due process of law and ensuring that the action is compliant with applicable statutory provisions and guidelines laid down by the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

5. Writ petition stands disposed of. In case of any further grievance, Petitioner will be at liberty to take recourse to appropriate legal remedies.

6. This order is passed without prejudice to rights and contentions of the owner/occupier/builder of the subject property.

JYOTI SINGH, J

FEBRUARY 19, 2025

B.S. Rohella