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

+ **W.P.(C) 2069/2025 and CM APPL. 9718/2025**

GOVIND

.....Petitioner

Through: Mr. Ravi Swami and Mr. Paras Gaur,
Advocates.

versus

MCD AND ORS

.....Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Sachin Singh Shahi, Advocate for
Respondents No.1 and 2/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

18.02.2025

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1. This writ petition is preferred on behalf of the Petitioner seeking the following reliefs:

“1. Issue writ of Mandamus or any other appropriate writ, Order or Direction to the Respondent No.1 to 6 individually and/or collectively, to take the action against the complaints of the petitioner regarding unauthorized construction and to do needful on urgent basis.

2. Issue writ of Mandamus or any other appropriate writ, order or Direction to the Respondent no.1 to bring the ATR (ACTION TAKEN REPORT) on record that what action has been initiated till so far against the unauthorized constructions as per complaints of the petitioner.

3. Issue writ of mandamus or any other appropriate writ, order or Direction to the Respondent.1 to prevent the unauthorized/illegal construction in the petitioner's ward as unauthorized constructions have spoiled the entire area of the ward and filled up with nonsymmetrical illegal constructions which ultimately block the air and sunlight to the residents.”

2. At the outset, it needs to be noticed that the owner/occupier/builder of



the premises in question has not been made a party and there is non-joinder of necessary and property party in the writ petition.

3. Be that as it may, Mr. Mukesh Gupta, learned Standing Counsel appearing on behalf of MCD on advance copy of the writ petition hands over a synopsis of action taken so far in respect of three properties, which reads as follows:

(i)	<i>Property at Matiyala-Bindapur Road (in front of Anand Property), P.No.39 & 40, Khasra No.18/13, 14, Village Matiyala, New T-Block, Uttam Nagar, New Delhi-59</i>	<i>The unauthorized construction in the shape of GF, FF, SF, 3rd floor, 4th floor raised at said property stands booked under Section 344(1) and 343 of the DMC Act, addressed as “P.No.39-40, New T-Block, Matiyala-Bindapur Road, Uttam Nagar, New Delhi-59” vide U.C. File No.452/B/UC/NGZ/24 dated 23/12/2024 and simultaneously the Show Cause Notice was issued and served upon the Owner/Builder. Further, the Demolition Order qua the said property was passed by the Department on 27/01/2025, after following the due process of DMC Act.</i> <i>In the meantime, the work stop notice under Section 344(2) of the DMC Act was sent to SHO, P.S.: Bindapur, vide No.EE(B)NGZ/24/D-2/311 dated 31/12/2024 for getting the construction activity stopped and to confiscate the building material, tools / plant from site and also to disperse the workforce engaged for the construction work.</i> <i>Further, the show cause No.D-03 dated 11/02/2025 has been issued and served upon the Owner(s)/Builder(s) u/s 345-A of the DMC Act.</i> <i>Beside above, Prosecution action under</i>
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		<i>Section 332/461 read with Section 466-A of the DMC Act 1957 (66 of 1957) has also been initiated against the violator.</i>
(ii)	<i>Property near Hare Krishna Public School, P.No.106, GF, LH 10/25 Mansa Ram Park, Uttam Nagar, New Delhi-59</i>	<i>The unauthorized construction in the shape of GF, FF, SF, 3rd floor, 4th floor raised at said property stands booked under Section 344(1) and 343 of the DMC Act, addressed as "Property Adj. to P.No.C-107, Mansa Ram Park, Uttam Nagar, New Delhi-59" vide U.C. File No.04/B/UC/NGZ/25 dated 06/01/2025 and simultaneously the Show Cause Notice was issued and served upon the Owner/Builder. Further, the Demolition Order qua the said property was passed by the Department on 03/02/2025, after following the due process of DMC Act.</i> <i>In the meantime, the work stop notice under Section 344(2) of the DMC Act was sent to SHO, P.S.: Bindapur, vide No.EE(B)NGZ/25/D-2/314 dated 08/01/2025 for getting the construction activity stopped and to confiscate the building material, tools/ plant from site and also to disperse the workforce engaged for the construction work.</i> <i>Further, the show cause No.D-04 dated 11/02/2025 has been issued and served upon the Owner(s)/Builder(s) u/s 345-A of the DMC Act.</i> <i>Beside above, Prosecution action under Section 332/461 read with Section 466-A of the DMC Act 1957 (66 of 1957) has also been initiated against the violator.</i>
(iii)	<i>P.No.B-52 Khasra</i>	<i>The unauthorized construction in the</i>



	<i>No.10/9, Mansa Ram Park, Uttam Nagar, New Delhi-59</i>	<i>shape of GF, FF, SF, 3rd floor, 4th floor (at finishing stage) raised at said property stands booked under Section 344(1) and 343 of the DMC Act, addressed as "P.No.B-52, Mansa Ram Park, Uttam Nagar, New Delhi-59" vide U.C. File No.25/B/UC/NGZ/25 dated 03/02/2025 and simultaneously the Show Cause Notice was issued and served upon the Owner/Builder.</i> <i>In the meantime, the work stop notice under Section 344(2) of the DMC Act was sent to SHO, P.S.: Bindapur, vide No.EE(B)NGZ/25/D-2/334 dated 06/02/2025 for getting the construction activity stopped and to confiscate the building material, tools / plant from site and also to disperse the workforce engaged for the construction work.</i> <i>Further, the show cause No.D-02 dated 11/02/2025 has been issued and served upon the Owner(s)/Builder(s) u/s 345-A of the DMC Act.</i> <i>Beside above, Prosecution action under Section 332/461 read with Section 466-A of the DMC Act 1957 (66 of 1957) has also been initiated against the violator.</i>
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4. The synopsis is taken on record. It is stated that further action is fixed for 21.02.2025.

5. In light of the aforesaid stand of the MCD, no further order is required to be passed in this writ petition. Needless to state, any further action and will be compliant with all the statutory provisions as also 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***.



6. In case of further grievance, Petitioner will be at liberty to approach the Special Task Force ('STF') constituted by the Delhi Development Authority vide Notification dated 25.04.2018 in view of the 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.

7. Writ petition stands disposed of along with pending application.

JYOTI SINGH, J

FEBRUARY 18, 2025

B.S. Rohella