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

+ **W.P.(C) 2127/2025**

GAZALA SAEED

.....Petitioner

Through: Mr. Sanjeev Kumar and Mr. M. Siddiqui, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Ashutosh Gupta, ASC with Mr. Arman Monga and Mr. Pulkit Garg, Advocates for MCD.

Ms. Archana Gaur, SPC with Ms. Ridhima Gaur, Advocates for UOI.

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

**ORDER
19.02.2025**

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CM APPL. 10052/2025

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

W.P.(C) 2127/2025 & CM APPL. 10051/2025

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

(i) Demolish the illegal construction raised by the Respondent No . 4 to 6 property bearing No . 727, Sheesh Mahal , Shivaji Road , Azad Market , Delhi -110006 which has been raised for the greed of the official of the Respondents no. 1 to 3 and who has failed to act upon in accordance with the provision of law;

(ii) Issue direction for the constitution of committee for adjudging the loss cause to the Petitioner and damages cause to the adjoining house of the Petitioner.



4. Issue notice.
5. Counsels, as above, accept notice on behalf of the Respondents.
6. Learned ASC for MCD appearing on advance copy of the writ petition submits that show cause notice has been issued on 25.09.2024 under Sections 344 and 343(1) of the Delhi Municipal Corporation Act, 1957 ('1957 Act') to Md. Yunus/owner/builder of the subject property bearing No. 727, Sheesh Mahal, Azad Market, Delhi after noticing unauthorised construction in the ground floor, mezzanine floor and all floors from first to third floors. Additionally walls have been unauthorisedly constructed on the terrace above the third floor. Md. Yunus was granted time to file response to the show cause notice but no response was received.
7. It is further submitted that demolition order was issued on 23.10.2024. Prior thereto work stop notice was issued on 20.09.2024 and SHO, PS: Bara Hindu Rao, Delhi was requested to stop the unauthorised construction and ensure that construction material and tools are removed from the subject property.
8. Learned counsel further submits that demolition action was attempted on 06.01.2025, however, due to lack of Police force, action could not be taken and needful shall be done within six weeks from today after complying with the applicable statutory provisions and following the guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***.
9. Documents handed over by learned ASC appearing for MCD are taken on record. Since MCD has initiated the necessary action, no further order is required at this stage, save and except, directing that any further action of MCD will be compliant with applicable statutory



provisions and after following the guidelines laid down by the Supreme Court, as assured.

10. Writ petition is accordingly disposed of, along with pending application.

11. This order is passed without prejudice to the rights and contentions of Respondents No. 4 to 6/owner/occupier of the subject property. In case of any surviving/further grievance, Petitioner will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

FEBRUARY 19, 2025/shivam