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

+ **W.P.(C) 2289/2025**

DARSHAN SINGH

.....Petitioner

Through: Mr. Krishan Kumar, Ms. Sunita Arora
and Mr. Shivam Bedi, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate for
R-1.
Mr. Raghwendra Tiwari, Advocate for R-2, R-3
and R-6.

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

ORDER
24.02.2025

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CM APPL. 10758/2025

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

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

“a) Issue appropriate writ(s), order(s) or direction(s) in the nature of a writ of mandamus thereby directing the respondent No.1,2,3 & 6 to immediately stop illegal and unauthorized construction work being carried out by the respondents No. 4 &5 at House No. 40, Khasra No.357/302 Village Saidulajab, Gali No.1, MB Road, Mehrauli, New Delhi - 110030 and to take all necessary action in accordance with the Delhi Municipal Corporation Act, 1957 to prevent further unauthorized construction by respondent No.4&5;”



4. Issue notice.
5. Counsels, as above, accept notice on behalf of the respective Respondents.
6. Learned counsel appearing on behalf of the Petitioner submits that MCD has taken a categorical stand before the Division Bench in '*Jamia Arabia Nizamia Welfare Education Society v. Delhi Development Authority through its Vice Chairman and Others, 2024 SCC OnLine Del 8059*', that a Circular has been issued on 29.01.2024 followed by a corrigendum dated 30.08.2024 formulating a Standard Operating Procedure for demolition and sealing of unauthorized construction and despite this the unauthorized construction is carried out in the subject property by Respondents No. 4 and 5 and MCD is not adhering to its own SOP and the assurance given before the Division Bench.
7. Appearing on advance copy of the writ petition, learned Additional Standing counsel for MCD submits that the subject property being House No. 40, Khasra No.357/302 Village Saidulajab, Gali No.1, MB Road, Mehrauli, New Delhi has been booked and show cause notice dated 03.02.2025 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') has been issued to the owner/occupier/builder of the subject property upon noticing unauthorized construction in the form of raising RCC columns on the ground floor. 15 days time has been granted to show cause why demolition order be not passed under Section 343 of the 1957 Act. Additionally, work stop notice has been sent to SHO: PS: Mehrauli to stop unauthorized construction and to remove the construction material/tools at the site. Letters have been sent to BSES and DJB for disconnection of electricity and water supply in the



subject property as also to the Sub-Registrar informing him of the initiation of action under the 1957 Act so that the subject property is not registered under the Indian Registration Act, 1908. Documents handed over are taken on record.

8. In light of the stand of MCD that subject property has been booked and show cause notice has been issued to owner/occupier/builder of the subject property along with work stop notice etc., any further action will be taken after receipt of reply, if any, from the owner/occupier/builder. Further action, if required, will be compliant with applicable statutory provisions and in consonance with 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. In case of any surviving/further grievance, Petitioner will be at liberty to take recourse to appropriate legal remedies. This order is passed without prejudice to the rights and contentions of the owner/occupier/builder of the subject property.

10. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 24, 2025/shivam