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

+ **W.P.(C) 2378/2025**

MD. HAIDER ALI

.....Petitioner

Through: Mohd. Asif and Mr. Kadir, Advocates
with Petitioner in person.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Harshita Mehta, Advocate for
MCD.
Mr Chetanya Puri, SPC with Ms. Nisha Puri,
Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

25.02.2025

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CM APPL. 11260/2025

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

W.P.(C) 2378/2025 & CM APPL. 11259/2025

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

“(a) Issue Direction/Order or Writ in the nature of Mandamus or any other appropriate Writ or Direction/Order in the like nature to Respondent No. 1 thereby directing Respondent No. 1 to take immediate step to stop the ongoing illegal and unauthorized construction being carried out by Respondent No. 3 over the property in question i.e. D-73A, Khasra No. 1122/840, Madanpur Khadar Extn. Part-3, Near Makki Masjid, Sarita Vihar, New Delhi-11 0076 to demolish the same which has been constructed over the property in question.

(b) Issue Direction/Order or Writ in the nature of Mandamus or any other



appropriate Writ or Direction/Order in the like nature to Respondent No.2 thereby directing Respondent No. 2 to provide Police Assistance and Police Force to Respondent No. 1 for stopping the ongoing illegal and unauthorized construction being carried out by Respondent No. 3 over the property in question i.e. D-73A, Khasra No. 1122/840, Madanpur Khadar Extn. Part-3, Near Makki Masjid, Sarita Vihar, New Delhi-110076 and in demolishing the same which has been constructed over the property in question.

(c) Issue Direction/Order or Writ in the nature of Mandamus or any other appropriate Writ or Direction/Order in the like nature to Respondents No. 1 and 2 thereby directing Respondents No. 1 and 2 to register a case under different provisions of Law against Respondent No. 3 for carrying out the illegal and unauthorized construction being carried out by Respondent No. 3 over the property in question i.e. D-73A, Khasra No. 1122/840, Madanpur Khadar Extn. Part-3, Near Makki Masjid, Sarita Vihar, New Delhi-110076.”

4. Issue notice.
5. Counsels, as above, accept notice on behalf of the respective Respondents.
6. Appearing on advance copy of the writ petition, learned counsel for MCD hands over a copy of the status report, which is taken on record. Relying on the status report, it is submitted that subject property bearing No. D-73A, Khasra No. 1122/840, Near Makki Masjid, Madanpur Khadar Extn. Part-II, Sarita Vihar, New Delhi has been booked and show cause notice dated 21.02.2025 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 to show cause within 15 days as to why demolition order be not passed under Section 343 of the 1957 Act. Work stop notice dated 20.02.2025 has been sent to the SHO of the concerned area to stop the unauthorized construction and remove the construction material, tools as also the labour from the site. Letters dated 21.02.2025 have been sent to BSES and DJB for disconnection of electricity



and water supply to the subject property.

7. 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 and further action will be taken once the response is received, no further order is required to be passed at this stage, save and except, directing that any further action by MCD will be compliant with applicable statutory provisions under the 1957 Act 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*.

8. 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.

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

JYOTI SINGH, J

FEBRUARY 25, 2025/shivam