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

+ W.P.(C) 2610/2025

MOHD ALI

.....Petitioner

Through: Mr. Monis Khan, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Sagar Kumar, Advocate for MCD
(M:7054160914)

Mr. Gagan Kumar, SPC with Ms.
Puja Jakhar, Advocate for UOI
(M:7903544563)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.04.2025

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1. The present writ petition has been filed for directions to the respondents to take immediate action against the illegal and unauthorized construction being carried out by respondent no. 3 in the property bearing no. A-103, Khasra No. 209, Joga Bai Batla House, New Delhi-110025.

2. Subsequently, it has transpired that actual address of the property is R-103, Khasra No. 209, Joga Bai Batla House, New Delhi-110025.

3. Learned counsel for the Municipal Corporation of Delhi ("MCD") has handed over copy of the Status Report, which is taken on record. The said Status Report, states as follows:

"xxx xxx xxx

3. That on consulting the office record with regard to subject



property, it has been revealed that:-

*i) Pursuant to the present writ petition, all out efforts were made by the concerned field staff of this answering respondent/ MCD to locate the subject property, but the same could not be traced up as the property number of the colony are not serial numbered. Further being an unauthorised colony no municipal numbers have been allotted and the Owners/ occupiers change the numbers at their will. As such, a letter bearing No. D/287/AE(B)-I/Central Zone/2025 dated 06.03.2025 was sent to the petitioner with the request to visit this office on any working day for identification of the Property No. A-103, Khasra No. 209, Jogabai, Batla House, New Delhi-110025 so that necessary actions be taken as per DMC Act. Copy of letter dated 06.03.2025, as sent to the petitioner is annexed herewith as **Annexure: A.***

*ii) Pursuant to this office letter dated 06.03.2025, subject property was identified by the petitioner as Property No. R-103, Jogabai Extension, Jamia Nagar, New Delhi. During inspection, property was found consisting of Ground Floor to Fifth Floor (Old & Occupied), which is totally unauthorised. Photographs showing the present status of the property are annexed herewith as **Annexure: B.***

*iii) **Action u/s 343/344 of the DMC Act:-** Upon noticing the aforesaid unauthorized construction, necessary demolition proceedings u/s 343/344 of the DMC Act have been initiated vide U/c file No. 131/B/UC/EE(B)-I/CNZ/2025 dated 03.04.2025 and accordingly, a Show Cause Notice u/s 344(1) & 343 of the DMC Act bearing printed No. 21153 dated 03.04.2025 has been issued in the name of Owner/ Builder and pursuant to the directions of Hon'ble Supreme Court of India, an opportunity of personal hearing has also been extended to him for 22.04.2025. Copy of Show Cause Notice dated 03.04.2025 is annexed herewith as **Annexure: C***

4. That further action against subject property shall be taken, as per law after conclusion of personal hearing.

xxx xxx xxx”

4. In view of the aforesaid Status Report, it is manifest that the MCD has already initiated action against the unauthorized construction in the property in question, and Show Cause Notice with regard thereto, has also been issued.
5. Accordingly, it is directed that MCD shall take requisite action



against the said unauthorized construction after following the due procedure of law.

6. In case the petitioner is aggrieved by any non-action on the part of MCD, he is at liberty to approach the Special Task Force (“STF”), as constituted by Hon’ble Supreme Court.

7. Further, if the owner/occupier of the property in question has any grievance with regard to any action being taken by MCD, the right of the said owner/occupier is reserved, to seek remedies as per law.

8. Rights and contentions of all the parties are left open.

9. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

APRIL 9, 2025

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