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

+ W.P.(C) 2619/2025

VASHIM AHMAD

.....Petitioner

Through: Mr. Harsh Kumar, Mr. Hemang and
Mr. Abdul Hameed Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Sanjay Vashishtha and Mr. Sunil
Goel, Standing Counsels with Ms Gunjan Rathore,
Mr. Siddhartha Goswami, Ms. Dimple Aggarwal,
Mr. Himanshu Goel and Ms. Varsha, Advocates
for MCD.

Ms. Shubhra Parashar and Mr. Virender Pratap
Singh Charak, Advocates for R-5/SHO.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.03.2025**

CM APPL. Nos. 12437/2025 and 12438/2025

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 2619/2025

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

“A. Pass a writ of Mandamus or any other writ/direction thereby directing the respondents to stop illegal and unauthorized construction being carried out at property bearing no 3/6, Desh Bandu Gupta Road, New Delhi-110055.

B. Direct the respondents to remove illegal and unauthorized construction being carried out at property bearing no 3/6, Desh Bandu Gupta Road, New Delhi-110055.

C. Direct the Special Task Force (STF) to take immediate action against



the illegal and unauthorized constriction.

D. That this Hon'ble Court may be pleased to issue directions to the respondent no.1 and 5 to ensure that no further unauthorized construction takes place."

4. Status Report has been filed on behalf of MCD in which it is stated that an advisory dated 22.03.2024 for dangerous/dilapidated buildings was issued to the owner/occupier of the building, namely, Shri Gagan Aneja by the Maintenance Department-II, Karol Bagh Zone, MCD in respect of property bearing No. 6, Khasra No. 619/6, Block-3, D.B. Gupta Road, Paharganj, New Delhi ('subject property') to take corrective measures immediately for strengthening the building and carry out major repairs under supervision of a qualified Structural Engineer and thereafter, obtain and submit a structural stability/safety certificate from a professionally qualified Structural Engineer duly empanelled with MCD. It was clarified in the advisory that any unauthorised construction will not be allowed, save and except, repair work as per provision of Delhi Municipal Corporation Act, 1957 ('1957 Act'). It is further stated that in the garb of advisory dated 22.03.2024, Shri Gagan Aneja has carried out unauthorised construction in the property and accordingly, property was booked for unauthorised construction in the shape of addition and removal of walls at first floor, second floor and third floor as also in the shape of construction of part third floor front side and raising of walls at the roof of third floor. In consonance with provisions of Sections 344 (1) and 343 of 1957 Act, show cause notice has been issued on 28.02.2025 to owner/occupier/Shri Gagan Aneja. In addition, demolition action was taken against the newly raised unauthorised construction at front portion of the third floor during a routine demolition



programme in the area on 28.02.2025. Work stop notice was issued on 03.03.2025.

5. In light of the status report filed by MCD and issuance of a show cause notice dated 28.02.2025, whereby 15 days' time has been given Shri Gagan Aneja to show cause why demolition order be not passed under Section 343 of 1957 Act, which expires on 15.03.2025, no further orders are required to be passed in the writ petition, save and except, directing that further action by MCD will be taken on receipt of reply to the show cause notice, if any, and depending upon the outcome of the hearing and will be compliant with applicable statutory provisions as also guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***

6. 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.

7. Writ petition is accordingly disposed of.

JYOTI SINGH, J

MARCH 12, 2025

S.Sharma