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

+ **W.P.(C) 2675/2025 and CM APPL. 12800/2025**

QAMRUN NISHA

.....Petitioner

Through: Mr. Mohd. Hafizuddin Khan and
Mr. Pradeep Kumar Kar, Advocates.

versus

MUNCIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Siddhant Nath, Advocate for
Respondents No.1 and 2/MCD.

Mr. Nune Balraj, SPC with Ms. Meghna Rao and
Mr. Harshit Goel, Advocates for Respondent
No.3/SO.

Mr. Suzzauddin, Respondent No.5 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

04.03.2025

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

“(i) Issue a writ of mandamus and/or any other appropriate writ, order or direction to Respondent Nos. 1, 2 and 3 to take necessary steps and actions to stop the unauthorised and illegal construction at property bearing no. House. No. 54, Hauz Rani, Malviya Nagar, New Delhi-110017. And/or,

(ii) Direct the Respondent No.1 & 2 to demolish the dangerous, illegal and unauthorized construction at H. No.54, Hauz Rani thereby directing the Respondent No.3 to provide appropriate protection for compliance of direction of this Hon'ble Court. And/or,

(iii) Issue direction to the Respondent No.1 & 2 to seal the under-construction property i.e. H. No.54, Hauz Rani, Malviya Nagar, New Delhi.”



2. Mr. Siddhant Nath, learned counsel for MCD, appearing on advance copy of the writ petition, submits that the subject property has been booked and show cause notice has been issued on 28.02.2025 under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') to owner/Sh.Rahmuddin/Islamuddin and owner has been asked to furnish a reply within 7 days as to why order of demolition be not passed as required under Section 343 of 1957 Act and after the response, if any, is received and depending on its outcome, necessary action will be taken in accordance with law.

3. Mr. Suzzauddin, Respondent No.5 joins Court proceedings virtually and submits that he is not carrying out any unauthorised construction and is only repairing the roof on account of the damage caused to the same in rainy season.

4. In light of the stand of MCD that subject property has been booked and show cause notice has been issued, to which response is awaited, this writ petition is disposed of, without entering into merits of the case. Any further action will be taken on receipt of reply from the owner/occupants of the subject property, if any, and will be compliant with applicable statutory provisions and guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***. In case of any surviving/further grievance, Petitioner may take recourse to appropriate legal remedies. This order is without prejudice to the rights and contention of the private Respondents herein.

5. At this stage, counsel for Petitioner submits that photographs placed on record with the writ petition will indicate that loads of *malba* is lying in the *Gali*/passage blocking the access to the Petitioner to her property and



direction be issued to MCD and/or private Respondents to remove the same.

6. Officials of MCD will carry out inspection of the *Gali*/passage where *malba* has been dumped, as reflected from photographs placed at pages 28 and 29 of the writ petition and take action for its removal as per law.

7. Pending application stands disposed of.

MARCH 4, 2025

B.S. Rohella

JYOTI SINGH, J