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

+ **W.P.(C) 2779/2025**

SUDHAKAR BHATNAGAR AND ANR

.....Petitioners

Through: Ms. Kanika Bhardwaj and Mr. Lalit Kumar, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Abhinav Singh and Mr. Vinod Kumar Goyal, Advocates for Respondent No.1.

Mr. Raghvendra Shukla, SPC with SI Ashutosh Mishra, PS: Mehrauli, for Respondents No.2 and 4.

Mr. Rajendra Sahu, Advocate also for Respondent No.2 and 4.

Mr. Anubhav Gupta, Panel Counsel for Respondent No.3/SDM.

Mr. Divyansh Tiwari, Advocate for Respondent No.6/BSES.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.03.2025

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CM APPL. 13186/2025

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

W.P.(C) 2779/2025 and CM APPL. 13185/2025

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



“a. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondents No.1 to 5 to take appropriate steps to immediately stop/ stay the illegal construction and demolish/remove the structure at the Property No. A-4, Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030;

b. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondents No.1 to 5 to submit a status report on the demolition order dated 8.01.2025 and there submission before the Hon'ble High Court vide order dated 15.01.2025.

c. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondent no. 6 to take immediate steps to disconnect the electricity meters.

d. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction in favour of petitioner and against the respondent no.1 to 6 thereby directing the respondent no.1 to 6 to demolish the illegal and unlawful existing structure of the building which was illegally constructed by the respondent no.4 & 5 and seal the said property i.e. Property No. A-4, Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030.”

4. Learned counsel for Petitioners points out and rightly so to an earlier order passed by this Court on 15.01.2025 in W.P.(C) 481/2025 titled “*Sudhakar Bhatnagar & Anr. V. Municipal Corporation of Delhi & Ors.*”, where the Court had taken on record the stand of MCD that despite show cause notice, no response has been received from the owner/occupier of the subject property and that necessary action will be taken in accordance with law. However, no action has been taken till date.

5. Issue notice.

6. Learned counsels, as above, accept notice on behalf of the respective Respondents.



7. Learned counsel for the Respondent No.1/MCD hands over a copy of the show cause notice dated 20.12.2024 calling upon the owner/builder of the property in question to file his response as to why demolition action be not taken as unauthorised construction/deviations from the sanctioned building plan were observed in the property from stilt upto the fourth floor but no response was received. Additionally, it is submitted that work stop notice was issued on 26.12.2024 to the SHO, PS: Mehrauli. Learned counsel also hands over a copy of the demolition order purportedly dated 08.01.2025 *albeit* the date is not clearly legible on the order of demolition. It is pointed out that demolition action was scheduled twice, on 23.01.2025 and 10.02.2025, however, due to lack of police force, the demolition could not be carried out. Documents to support the stand are also handed over in Court. All the documents are taken on record. Copies of the documents be supplied to learned counsels for the Petitioners and Delhi Police.
8. Learned counsel for MCD, on instructions, states that next demolition drive is now scheduled for 07.03.2025 and directions be issued to police to provide necessary police force so that demolition drive can be carried out.
9. Learned counsels for Delhi Police assure the Court that every possible assistance and police force will be provided to execute the demolition of the property. The stand is taken on record.
10. Needless to state, MCD will ensure that its actions are compliant with all applicable statutory provisions and Byelaws and the guidelines of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.
11. Writ petition stands disposed of along with pending application.
12. Needless to state, in case of any surviving/further grievance,



Petitioners may take recourse to legal remedies.

13. This order is passed without prejudice to the rights and contentions of the owner/occupier of the subject property.

MARCH 5, 2025
B.S. Rohella

JYOTI SINGH, J