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

+ **W.P.(C) 2809/2025**

SH SALMAN

.....Petitioner

Through: Mr. Anubhav Bhardwaj, Advocate.
versus

MUNUCIPAL CORPORATION OF DELHI

AND OTHERS

.....Respondents

Through: Mr Ashutosh Gupta, ASC with Mr.
Arman Monga, Advocate for MCD.
Mr. Shashi Pratap Singh, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **05.03.2025**

C.M. APPL. 13352/2025

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

W.P.(C) 2809/2025

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 an appropriate writ, order, or direction in the nature of Mandamus, thereby directing the respondent No. 1 Corporation to take immediate steps for the demolition of the illegal construction being carried out by respondent No.3 at property bearing No.5/6, Gali No.9, Old Brijpuri, Delhi-110051, in violation of municipal laws, building bye-laws, and environmental regulations.;

b. Issue an appropriate writ, order, or direction directing disciplinary action against the concerned officials of respondent No.1 and respondent No.2 for their inaction and possible collusion in permitting the illegal construction to continue despite multiple complaints.

c. Issue an appropriate writ, order, or direction directing respondent No.2 (Vice Chairman, DDA) to take necessary action in compliance with the order dated 25.10.2024 passed by this Hon'ble Court and act upon the representation dated 22.01.2025 filed by the petitioner.”



4. Learned counsel for the Petitioner submits that Petitioner had earlier approached this Court by filing writ petition being W.P. (C) 15093/2024 which was disposed of on 25.10.2024 wherein Court had recorded the stand of MCD that subject property bearing No. 5/6, Gali No.9, Old Brijpuri, Delhi had been inspected and stop work notice had been issued on 04.09.2024 and that show cause notice will be issued to the owners/occupants of the property whereafter further action will be taken towards demolition, if necessary, after considering the reply to the show cause notice. The Court was assured that show cause notice will be issued within one week and demolition order, if necessary, will be issued within four weeks thereafter, after complying with statutory provisions. Liberty was granted to the Petitioner to approach Special Task Force (STF) constituted under orders of the Supreme Court, in case of any further grievance. However, MCD did not take any action despite assurance to the Court and while Petitioner approached the STF on 22.01.2025, even STF has not taken any action so far, compelling the Petitioner to again approach this Court.

5. Issue notice.

6. Counsels, as above, accepts notice on behalf of the respective Respondents.

7. Learned counsel for STF/DDA submits that the complaint of the Petitioner has been registered on 03.03.2025 vide Reference ID No.SNS2025030343P and directions have been issued to MCD to take appropriate action. Learned ASC for MCD, on instructions, submits that show cause notice has been issued to Mrs. Raziya Mirza/owner/occupier of the subject property on 22.10.2024 under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (1957 Act) in respect of



unauthorized constructions in the shape of ground floor, first floor, second floor, third floor and fourth floor with projections on Government land to show cause why demolition order be not issued under Section 343 of the 1957 Act. No response has been received from the noticee till date and therefore demolition action is scheduled for 11.03.2025. It is submitted that SHO of the concerned area be directed to provide Police force to execute the demolition process.

8. In light of the stand taken by MCD, at this stage, no further order is required to be passed. It is however made clear that any further action by MCD will be compliant with applicable statutory formalities 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 or further grievance, Petitioner will be at liberty to take recourse to legal remedies. SHO of the concerned area is directed to render full cooperation and provide police force in case so requisitioned by MCD for executing the demolition action.

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

10. Writ petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MARCH 05, 2025/shivam