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

+ **W.P.(C) 2841/2025**

RAJESH

.....Petitioner

Through: **Mr. Shakil Sheikh, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: **Mr. Sagar Kumar, Advocate for Respondents No.1 and 2/MCD.**

Mr. Puneet Yadav, Advocate with SI Manoj, for Respondent No.3/SHO.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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06.03.2025

C.M. APPL. 13455/2025

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

W.P.(C) 2841/2025 and C.M. APPL. 13454/2025

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

“a) 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. 4 to 6 thereby directing the respondent no. 4 to 6 to stop the illegal and unauthorized construction being carried out by them at Khasra No.895, Kimaya Garden, Ward No.8, Mehrauli, New Delhi-110030

b) 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 3 thereby directing the respondent no.1 to 3 to demolish and seal the illegal and unlawful existing structure of the building which was



illegally constructed by the respondent no.4 to 6 and seal the said property i.e. Khasra No.895, Kimaya Garden, Ward No.8, Mehrauli, New Delhi-110030”

4. Appearing on advance copy of the writ petition, learned counsel for MCD hands over a written note of submissions wherein it is stated that insofar as Plot No.2, Opp. 895C, Ward No. 8, Sunrise Apartment, Mehrauli, New Delhi, is concerned, construction was carried out on 06.01.2025 from stilt to fourth floor without any sanction plan and on the same day, proceedings under Sections 343 and 344 of the Delhi Municipal Corporation Act, 1957 (1957 Act) were initiated followed by proceedings on 13.02.2025 in respect of fifth floor. On 18.02.2025, one roof panel on first floor, one roof panel on second floor, two roof panels on third floor, one roof panel on fourth floor and one roof panel on fifth floor were demolished. Police assistance has been sought for stoppage of construction activity and keeping watch. Letters have been written to BSES and DJB for disconnection of electricity and water supply. Sub-Registrar, GNCTD has been requested not to register the property under Indian Registration Act, 1908 and sealing proceedings under Section 345A of 1957 Act have been initiated.

5. It is further stated that in respect of Plot No.3, Opp. to 895C, Ward No. 8, Sunrise Apartment, Mehrauli, New Delhi, wherein unauthorized construction was found in the shape of stilt ground floor, first floor and columns at second floor, action has been initiated on 13.02.2025 including seeking police assistance to stop illegal construction and initiation of sealing proceedings. BSES and DJB have been directed to disconnect the civic amenities and Police has been requested to stop the construction activity and keep a watch. Same procedure has been followed with respect to Plot existing on the Right side of the first plot, Opp. to Sunrise Apartment, in



Khasra No.895-C, Ward No.8, Mehrauli, New Delhi, and further action will be taken in accordance with law.

6. In light of the stand taken by MCD, at this stage, no further order is required to be passed. Documents handed over in Court are taken on record. Further action by MCD will be after receiving and examining responses to the show cause notices 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.***

7. In case of any further grievance, Petitioner may take recourse to legal remedies. This order is passed without prejudice to the owners/occupiers/builders of the plots in question.

8. Writ petition along with pending application stands disposed of.

JYOTI SINGH, J

MARCH 6, 2025

B.S. Rohella/shivam