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

+ **W.P.(C) 3315/2025 & CM APPL. 15632/2025**

ANWAR HUSSAIN MALIK

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Niraj Kumar, Sr. Central Govt.
Panel Counsel for DP
(M:9810020341)
S.I. Jitendra, PS Malviya Nagar
(M:9667451051)
Mr. Ankur Aggarwal, Mr. Nitin
Sharma, Advocates for R-8
(M:9871777769)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

17.09.2025

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1. The present writ petition has been filed seeking directions to the respondents to take action against the illegal and unauthorized construction carried out by respondent nos. 4 to 9 in the property bearing *House No. H-16/5, Malviya Nagar, New Delhi-110017*.
2. This Court notes that a Status Report dated 03rd August, 2025 has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:



“XXX XXX XXX

3. That so as to ascertain the status of the subject property i.e. bearing No. H-16/5, Malviya Nagar, New Delhi – 110017, the same has been got inspected through area field staff of Building department –I of South Zone – MCD and also referred to the record maintained and available with the department. The status in respect of the subject property as ascertained is detailed herein below:

- i) As per record, the subject property is already stands booked vide U/c File No. 63/UC/B-I/SZ/2025 dated 12/03/2025 for excess coverage / deviations against the SBP 20002517 (Saral Scheme) in the shape of extension of balcony / chajja in front & also encroachment / projection on backside etc., for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary demolition order has also been passed by the Competent Authority vide dated 04/04/2025. Copy of the demolition order is annexed herewith as **Annexure –A.**
- ii) Beside this, sealing proceedings u/s 345-A of DMC Act – 1957 has also been initiated in respect of the subject property.

4. That further, pursuant to aforesaid demolition order already passed in respect of the subject property, the Building Department –I of South Zone – MCD has



tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	21/05/2025 & 09/07/2025	Action could not be taken due to shortage of time.
2.	25/07/2025	Upon availability of police force, the extension of balcony / chajja at Ground floor, First floor, Second floor and Third floor have been demolished and reinforcement bars have also been cut down with the help of gas cutter.

The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure -B (Colly).**

5. That simultaneously, after taking the aforesaid demolition action, a letter dated 25/07/2025 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired. Copy of the said letter dated

25/07/2025 is also annexed herewith as **Annexure - C.**

xxx xxx xxx”

3. Perusal of the aforesaid Status Report shows that the MCD has



already initiated action against the unauthorized construction in question.

4. Status Report dated 16th September, 2025 has also been filed on behalf of the Station House Officer (“SHO”), Police Station, Malviya Nagar, which reads as under:

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STATUS REPORT

MOST RESPECTFULLY SHOWETH:

1. It is submitted that a complaint was received at PS Malviya Nagar vide Dy No.208, on dated 4/5/24 by complainant Anwar Hussain Malik against KC Joseph and others regarding hatching a preplanned criminal conspiracy in active connivance with property dealer / agents with respect to property situated at H-16/5 Malviya Nagar New Delhi, and for cheating the complainant of hard work money - criminal breach of trust by above mentioned persons.
 2. After conclusion of enquiry, above matter was found to be related to monetary dispute which is civil in nature. No action at the end of police was required.
 3. Thereafter, petitioner filed a writ petition for issuance of or any other appropriate/direction to stop illegal and unauthorised construction carried out at property H NO. 16/5 Malviya Nagar New Delhi, in violation and breach of the building sanctioned plan and for demolition of existing structure which was illegally and unauthorisedly carried out at above property.
 4. It is further stated that the property in question i.e. H NO. 16/5 Malviya Nagar New Delhi, was demolished (the extension of balcony/Chujja at ground floor, first floor, second floor and third floor and reinforcement bars have been cut down with the help of gas cutter) by MCD building department South Zone New Delhi, on dated 25/7/25.
- However, undersigned is bound to abide by all the directions/orders passed by the Hon’ble court.


Insp/Vinay Yadav
SHO/Malviya Nagar,
New Delhi

5. Considering the aforesaid, no further orders are required to be passed in the present writ petition.

6. The present writ petition, along with pending application, is



accordingly disposed of.

SEPTEMBER 17, 2025/au

MINI PUSHKARNA, J