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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3504/2025 & CM APPL. 16386/2025**

MOHD MURTAZA

.....Petitioner

Through: Mr. Munindra Singh, Advocate
Mob: 9873356406

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Kapil Dutt and Mr. Vansh Luthra,
Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
07.04.2025

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1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD"), to take action against the unauthorized construction being raised by respondent no. 2, above the second floor of *property bearing no. 13C, DDA Flats, Boulevard Road, Civil Lines, Delhi-110054*.

2. Status Report dated 28th March, 2025, has been filed on behalf of the MCD, wherein, it has been stated as follows:

"xxx xxx xxx

4. That it is respectfully submitted that an inspection of the property bearing no.13-C, DDA Flat, Boulevard Road, Civil Lines, Delhi-110054 was conducted by the official of the building department on 14.02.2022. During the inspection unauthorized construction in the shape of ground floor, first floor, second floor and tin shed at third floor in back side portion and unauthorized construction of front portion of second floor and entire third floor and tin shed at fourth floor in Flat No. 13-C, DDA Flat, Boulevard Road, Civil Lines, Delhi-110054 was noticed, as such the same was booked under section 343 & 344 (1) of the DMC Act vide file no. 30/UC/B-II/CSPZ/2022 dated 14.02.2022. Thereafter following due process of law the demolition order dated 08.08.2022 was passed thereby directing the noticee to demolished aforesaid unauthorized construction failing which the same will be demolished by the MCD at his own risk and cost. A copy of demolition order dated 08.08.2022 is annexed herewith as Annexure-A.



5. That it is submitted that in execution of demolition order dated 08.08.2022 actions were planned on 07.03.2024, 02.04.2024, 10.04.2024, 01.08.2024 but the same could not be executed either due to shortage of time or non-availability of police force. Further, during the attempts the property was found occupied illegally accordingly a vacation notice dated 12.03.2025 under section 349 of the DMC Act was issued to Sh. Mohd Yasin/Owner with a copy of SHO P.S. Civil Lines requesting him to vacate the premises so that action may be taken. A copy of vacation notice dated 12.03.2025 is annexed herewith as **Annexure-B**.
6. That it is submitted that further demolition action was planned on 20.03.2025 wherein the tin shed at fourth floor portion and tin shed at third floor (back side portion) was demolished. Photographs showing demolition action taken on 20.03.2025 are annexed herewith as **Annexure-C(Colly)**.
7. That it is further submitted that a watch and ward letter dated 21.03.2025 was issued to the SHO P.S. Civil Lines thereby directing him to have a strict watch and vigil over the demolished part of the property so that further repair/reconstruction could not be carried out. A copy of watch and ward letter dated 21.03.2025 is annexed herewith as **Annexure-D**. Further demolition action in the matter has been fixed for 14.04.2025.

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. The MCD is held bound to carry out the demolition action against the unauthorized construction, in accordance with law.
5. If the petitioner is aggrieved by any non-action on the part of the respondent-MCD, the petitioner is at liberty to approach the Special Task Force (“STF”), constituted by the Hon’ble Supreme Court, in terms of the directions of the Division Bench of this Court vide order dated 23rd April,



2019, in the case of *Fazruddin versus DDA and Ors.*, W.P.(C) 4649/2017.

6. It is further clarified that the rights and contentions of the parties, including, the owner/occupier of the property in question, are kept open.

7. In case, the owner/occupier of the property in question, is aggrieved by any action or demolition order passed by the MCD, the owner/occupier of the property in question, is at liberty to seek remedies, in accordance with law.

8. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

APRIL 7, 2025
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