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

+ W.P.(C) 3535/2025, CM APPL. 16565/2025 & CM APPL. 37553/2025

SH. RAJENDRA LOHIYA @ RAJENDER CHOUDHURY

.....Petitioner

Through: Mr. Jitender Tyagi and Ms. Tabassum Hasan, Advs.

Mob: 9810008859

Email: advthasan311@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI (M.C.D) & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel (Civil) GNCTD

Mob: 9910623535

Email: advanubhav94@gmail.com

SI Dinesh Kumar, PS Fatehpur Beri

Mob: 8750877326

Mr. Rakesh Malviya, Advocate for R-4 (through VC)

Mr. Anuj Chaturvedi, Ms. Richa Dhawan, Ms. Shivani, Advocates for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.10.2025

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1. The present writ petition has been filed seeking directions to the respondents to take action against the unauthorized construction on the land of the petitioner situated as *Khasra No. 1783 (4-16), 1784/2 (3-0) in revenue estate of Village Aaya Nagar, Tehsil Mehrauli, New Delhi*, being carried out by respondent no. 4.

2. *Per contra*, learned counsel appearing for respondent no. 4 submits



that the petitioner has no concern with the land in question, as the petitioner had already sold his land long back to a third party, from whom, the respondent no. 4 had purchased the land in question.

3. He, thus, submits that it is the respondent no. 4 who is the owner of the land in question. He further submits that two litigations are already pending in the Civil Court, which have been initiated by the petitioner herein with regard to the land in question.

4. Be that as it may, it is clarified that this Court is not going into the issue of ownership or title of the land in question. It is to be noted that two Status Reports have been filed on behalf of MCD. The first Status Report filed on behalf of the MCD dated 12th April, 2025, reads as under:

“xxx xxx xxx

5. That on inspection and referring to the record, it has been noticed / revealed that after comparing the photographs annexed along with the instant Writ Petition, total 04 properties have been identified by the Building Department –II of South Zone – MCD. The property wise status of actions initiated / taken in respect of the said 04 properties by the Building Department –II is detailed herein below:-

A. Property Identified as Khasra No. 1784/2, Opp. C-3 Colony, Naresh Colony, Ava Nagar, New Delhi.

- i. As per record, this property is already stands booked vide U/c File No. 361/UC/B-II/SZ/2023 dated 19/07/2023 in the shape of Ground floor and First floor, for taking 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 i.e. AE (Bldg)-II of South Zone / MCD on 27/07/2023. Copy of demolition order is also annexed herewith as **Annexure – R – 1.**
- ii. Furthermore, a letter dated 20/07/2023 u/s 344 (2) of the DMC Act, 1957 has also been sent to SHO, PS. Fatehpur Beri, New Delhi with the request that the unauthorized construction be stopped and workmen present



at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is annexed herewith as **Annexure-R-2.**

- iii. Besides this, a letter dated 20/07/2023 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is also annexed herewith as **Annexure-R-3.**
- iv. Moreover, a letter dated 20/07/2023 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is also annexed as **Annexure-R-4.**
- v. **Sealing proceedings** u/s 345-A of DMC Act, 1957 in respect of subject referred property has also been initiated and after following due process of law, the necessary sealing order has also been passed by the Competent Authority i.e. Deputy Commissioner of South Zone – MCD vide dated 18/08/2023. Copy of sealing order is also annexed herewith as **Annexure-R-5.**
- vi. Further, pursuant to demolition / sealing orders already passed in respect of this



property, the Building Department-II of South Zone / MCD has also tried / taken / carried out the necessary demolition / sealing action as per details given herein below:-

S. No.	Date of Action	Action taken
1.	07/08/2023	Upon availability of police force, 01 RCC panel has been demolished and cut the reinforcement bars with the help of gas cutter at First floor.
2.	04/09/2023	Action could not be taken due to non-availability of police force.
3.	19/09/2023, 25/10/2023, 05/02/2024, 04/03/2024, 02/04/2024, 02/05/2024 & 18/09/2024	Action could not be taken due to shortage of time.
4.	04/04/2025	So as to take necessary



		demolition / sealing action in respect of the subject property, a Vacation Notice u/s 349 of DMC Act – 1957 has been sent to owner / occupier of the subject property and a copy thereof has also been endorsed to concerned SHO PS Fatehpur Beri, New Delhi with the request to get the impugned property / portion be vacated.
5.	11/04/2025	Upon availability of police force, 01 room sealed at 01 point at First floor.



Photographs taken during the aforesaid demolition action alongwith copy of Vacation Notice are annexed herewith as **Annexure – R – 6 (Colly).**

- vii. Simultaneously, after taking the aforesaid demolition action, letters dated 07/08/2023 and 11/04/2025 have also been sent to concerned, SHO PS Fatehpur Beri, 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 and the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure – R – 7 (Colly).**

B. Property identified as Kh. No. 1783(1-16), 1782/2(3-0) and 1877 (1-16) in the Revenue Estate of Aaya Nagar Village, Tehsil , Mehrauli, New Delhi

- i) As per record, the subject property is already stands booked for unauthorized construction vide U/c file No. 82/UC/B-II/SZ/2023 dated 13/01/2023 in the shape of constructing rooms at Ground floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition order / notice



also passed / issued by the Competent Authority i.e. the AE (Bldg)-II of South Zone 24/01/2023. The copy of the demolition order / notice is annexed herewith as **Annexure-R-8.**

- ii) Furthermore, a letter dated 27/01/2023 u/s 344 (2) of the DMC Act, has also been sent to SHO, PS. Fatehpur Beri, New Delhi with the request that the unauthorized construction be stopped and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of the said letter is annexed herewith as **Annexure-R-9.**
- iii) Besides this, a letter dated 27/01/2023 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is annexed herewith as **Annexure-R-10.**
- iv) Moreover, a letter dated 27/01/2023 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is also annexed as **Annexure-R-11.**



- v) Furthermore, Sealing action u/s 345-A of DMC Act, 1957 has also been initiated in respect of the subject property and after following the due process of law, the necessary sealing order has also been passed by the then Deputy Commissioner of South Zone – MCD on 27/03/2023. Copy of sealing order is also annexed herewith as **Annexure –R – 12.**
- vi) Moreover, as per record, it is also pertinent to mention here that besides above on 20/01/2023, noticing the ongoing construction activity in the shape of illegal plotting / raising of boundary walls in respect of other plots / portion of land at the subject site, without obtaining any permission and contrary to the provisions as contained in Delhi Unified Building Bye-Laws-2016, the same have been got stopped and the walls as raised for illegal plotting have also been demolished at its initial / ongoing stage on 20/01/2023 by the department despite stiff resistance from the local residents, upon availability of police force. Photographs taken during the aforesaid action are annexed herewith as **Annexure – R – 13 (Colly).**
- vii) Simultaneously, after taking the aforesaid action, a letter bearing No. 3796/AE(Bldg.)-



II/2023 dated 20/01/2023 has also been sent to SHO concerned PS Fatehpuri, New Delhi with the request to direct the concerned area patrolling staff to keep strict watch and ward over the subject property / site. Copy of the letter as sent in this regard is also annexed herewith as **Annexure – R – 14.**

viii) Further, it is also stated here that pursuant to demolition / sealing orders already passed in respect of this property, the department tried to take /carry out further necessary action on 27/02/2023, however, on account of non – availability of police force the action could not be executed. Copy of no force letter as sent is also annexed herewith as **Annexure – R – 15.**

ix) That it is pertinent to mention here that on receiving the complaint dated 28/06/2023 alongwith photographs regarding the ongoing construction activity in the shape of illegal plotting / raising of boundary walls in respect of other plots / portion of land at the subject site, the same has been immediately got stopped and the walls raised at Ground floor for illegal plotting have also been demolished at its initial / ongoing stage on 12/07/2023. Photographs pertaining to aforesaid ongoing



demolition action are annexed herewith as **Annexure – R – 16 (Colly).**

- x) Further, pursuant to demolition / sealing orders already passed in respect of the subject property, the Building Department –II of South Zone – MCD has further tried to take / carry out the necessary action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	07/08/2023	Action could not be taken since the property was found occupied. Consequently, a Vacation Notice u/s 349 of DMC Act – 1957 has been sent to owner / occupier and a copy thereof has also been sent to concerned, SHO PS Fatehpur Beri, New Delhi with the request to get the impugned property / portion be vacated.
2.	11/09/2023	Upon availability of police force, 01 room



		has been sealed at 01 point at Ground floor.
3.	19/09/2023 & 25/10/2023	Action could not be taken due to shortage of time.

The photographs taken during the aforesaid sealing action is annexed herewith as **Annexure -R-17.**

- xi) Simultaneously, after taking the aforesaid sealing action, a letter dated 11/09/2023 has been sent to concerned, SHO PS Fatehpur Beri, New Delhi with the request to keep strict watch and ward over the subject property so that the seals affixed by the department may not be tampered with. Copy of the said letter is also annexed herewith as **Annexure - R - 18.**
- xii) Further, so as to take necessary demolition / sealing action in respect of the subject property, a Vacation Notice u/s 349 of DMC Act – 1957 dated 04/04/2025 has been sent to owner / occupier of the subject property and a copy thereof has also been endorsed to concerned SHO PS Fatehpur Beri, New Delhi with the request to get the impugned property / portion be vacated. Copy of the said



Vacation Notice is also annexed as
Annexure –R – 19.

**C. Property identified as Kh. No. 1783 (I-16),
1784/2. Opp. C-3 Colony. Naresh Colony. Ava
Nagar Phase –IV, Ward No. 157, Ava Nagar,
New Delhi.**

- i. As per record, on noticing the unauthorized construction in respect of this property, the same has been booked vide U/c File No. 132/UC/B-II/SZ/2025 dated 26/03/2025 in the shape of Ground floor, for taking demolition action u/s 343/344 of DMC Act, 1957. The mandatory Show Cause Notice vide serial bearing No. 11870 dated 26/03/2025 has been issued to the owner / builder of the subject property. Copy of the said Show Cause Notice is annexed herewith as **Annexure – R – 20.**
- ii. Besides this, a letter dated 08/04/2025 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is also annexed herewith as **Annexure – R – 21.**
- iii. Moreover, a letter dated 08/04/2025 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is also annexed as **Annexure – R – 22.**



- iv. Sealing proceedings u/s 345-A of DMC Act, 1957 in respect of this property has also been initiated.

D. Property identified as Kh. No. 1783 (1-16), 1784/2, Opp. C-3 Colony, Naresh Colony, Aya Nagar Phase –IV, Ward No. 157, Aya Nagar, New Delhi.

- i. As per record, on noticing the unauthorized construction in respect of this property, the same has been booked vide U/c File No. 134/UC/B-II/SZ/2025 dated 26/03/2025 in the shape of Ground floor, for taking demolition action u/s 343/344 of DMC Act, 1957. The mandatory Show Cause Notice vide serial bearing No. 11871 dated 26/03/2025 has been issued to the owner / builder of the subject property. Copy of the said Show Cause Notice is annexed herewith as **Annexure – R – 23.**
- ii. Besides this, a letter dated 08/04/2025 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is also annexed herewith as **Annexure– R – 24.**
- iii. Moreover, a letter dated 08/04/2025 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the



said letter is also annexed as **Annexure-R – 25.**

iv. Sealing proceedings u/s 345-A of DMC Act, 1957 in respect of this property has also been initiated.

6. That moreover, it is also pertinent to mention here that on 24/03/2025, during the monthly demolition schedule of the area in question, on noticing ongoing illegal / unauthorized construction in Khasras i.e. bearing No. 1783 (4-16), 1784/2 (3-0), 1877 Opp. C-3 Colony, in the Revenue Estate of Aya Nagar, New Delhi, the same has been demolished in the shape of boundary walls and small rooms at its ongoing / initial stage. The photographs taken during the aforesaid demolition action are also annexed herewith as **Annexure – R – 26 (Colly).**

7. That further on 11/04/2025, during the demolition action of the area, on noticing the ongoing illegal / unauthorized construction in Khasra No. 1784/2, C-3, Phase-IV, Aya Nagar, New Delhi, the same has also been demolished in the shape of Main entrance door and boundary wall. Photographs taken during the said demolition action are also annexed herewith as **Annexure – R – 27 (Colly).**

8. That after taking the aforesaid demolition action, a letter dated 11/04/2025 has also been sent to concerned, SHO PS Fatehpur Beri, New Delhi with the request to direct the concerned patrolling staff to keep strict watch and ward over the subject property, so that the demolished portion may not be reconstructed / repaired. Copy of the said letter is also annexed herewith as **Annexure –R – 28.**

9. That the department has now fixed the further necessary demolition / sealing action programme in respect of the subject booked properties for 21/04/2025, which will be taken / carried out, upon availability of police force.



5. A further, Status/Action Taken Report dated 08th May, 2025 has been filed on behalf of the MCD, relevant portions of which, read as under:

“xxx xxx xxx

3. That further, it is submitted that the Building Department –II of South Zone – MCD has taken /

carried out the further necessary action in respect of the ongoing unauthorized construction noticed in Kh.No. 1784/2, Opp. C-3 Colony, Aya Nagar, New Delhi on pre-fixed dated i.e. 21/04/2025 and upon availability of police force, during the course of action, rooms, brick walls / plotting have been demolished with the help of JCB. Photographs taken during the aforesaid demolition action are annexed herewith as Annexure –A (Colly).

4. That after taking the aforesaid demolition action, a letter dated 22/04/2025 has also been sent to concerned, SHO PS Fatehpur Beri, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the area in question so that the demolished portion may not be restored / repaired. Copy of the said letter dated 22/04/2025 is also annexed herewith as Annexure –B.

5. That further action in respect of the subject property / khasras will be taken / carried out during the monthly demolition schedule of the area in question, upon availability of police force.

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6. Perusal of the aforesaid Status Reports shows that the MCD has already initiated action against the unauthorized construction existing in the land in question.



7. Accordingly, the MCD is enjoined to ensure that no further unauthorized construction takes place on the land in question. Any further action required to be taken against the existing unauthorized construction shall also be taken.
8. Further, the Station House Officer (“SHO”) of Police Station Fatehpur Beri, shall also ensure that no further unauthorized construction takes place on the land in question and that due assistance is given to the MCD, as and when any action is required to be taken.
9. In case, the owner/occupier of the land in question is aggrieved by any action being taken by the MCD, the right to seek remedies, in accordance with law, is reserved.
10. Noting the aforesaid, the present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/ak