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

+ W.P.(C) 3615/2025

SAIFULLAH

.....Petitioner

Through: Mr. Shehroz Khan Wali, Advocates

versus

THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Pritish Sabharwal with Ms.
Shweta Singh, Advocates for MCD
Mr. Naveen Kumar Raheja and Mr.
Anant Vijay Singh, Advocate for
DUSIB
Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, Advocate.
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.04.2025

1. The present writ petition has been filed seeking directions for removing and restraining illegal, unauthorized construction and encroachment being carried out by the respondent no. 6, at property bearing no. 2754, Gali Chandi Wali, Pahadi Bhojla, Turkman Gate, Delhi-110006 upto 3rd floor.
2. Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), in compliance of order dated 24th March, 2025, wherein, it has been stated, as follows:



“xxx xxx xxx

3. That it is respectfully submitted that the property bearing no. 2754, Gali Chandni Wali, Pahari Bhojla, Turkman Gate, Delhi-110006 was inspected on 01.05.2024 by the officials of the answering respondent/MCD, wherein it was noticed that unauthorized construction in the shape of ground floor and first floor was carried out by the owner/builder and the same was booked under section 343 & 344 of the DMC Act vide file no.96/UC/78/B-II/CSPZ/2024 dated 01.05.2024 and after following the due process of law demolition order dated 09.05.2024 was passed.. A copy of demolition order dated 09.05.2024 is annexed herewith as Annexure-A.

4. That it is respectfully submitted that in execution of aforesaid demolition order dated 09.05.2024 action was planned on 08.07.2024 wherein the roof of first floor was demolished. Further actions were planned on 12.08.2024 and 26.03.2025 but could not be executed due to non-availability of police force. Photographs showing demolition action taken on 08.07.2024 are annexed herewith as Annexure-B(Colly).

5. That it is further submitted that apart from the above sealing show cause notice dated 15.07.2024 under section 345-A of the DMC Act was issued to Mohd. Farahan/Owner/Builder and after following the due process of law sealing order dated 19.08.2024. In execution thereof action planned on 05.09.2024, 30.09.2024, 07.10.2024 & 18.10.2024 however action could not be taken either due to shortage of time or non-availability of police force. Further a routine demolition/sealing planned was fixed on 13.11.2024 wherein the property was sealed at 06 points on ground floor in the presence of police staff of P.S. Chandni Mahal. A copy of sealing order dated 19.08.2024 and photographs showing sealing action taken on 13.11.2024 are annexed herewith as Annexure-C & D(Colly).

6. That it is submitted that to check that the demolished/sealed portion of the subject property may not get repaired or the seal is tampered. A watch and ward letter dated 14.11.2024 was issued to SHO P.S. Chandni Mahal for strict compliance. A copy of watch and ward letter dated 14.11.2024 is annexed herewith as Annexure-E.

7. That it is respectfully submitted that in the inspection dated 18.03.2025 the seal of the property was found tampered. Accordingly a letter dated 20.03.2025 was issued to the SHO P.S. Chandni Mahal for lodging FIR against Sh. Mohd. Farahan/owner/builder. A copy of letter dated 20.03.2025 issued to SHO P.S. Chandni Mahal is annexed herewith as Annexure-F.

8. That it is submitted that in continuation of earlier booking further construction in the property bearing no. 2754, Gali Chandni Wali, Pahari Bhojla, Turkman Gate, Delhi-110006 in the form of second floor and third floor was booked under section 344(1) and 343 of the DMC Act vide file no.40/UC/78/B-II/CSPZ/2025 dated 19.03.2025 and a show cause notice



dated 19.03.2025 was issued to Mohd. Farahan/Owner/Builder. A copy of show cause notice dated 19.03.2025 is annexed herewith as Annexure-G.

9. That it is submitted that further demolition/sealing programme was planned on 25.03.2025 & 26.03.2025 however action could not be taken due to non-availability of police force. Further demolition/sealing action has been planned on 08.04.2025 wherein the roof slab of first floor was demolished and the entire property consisting from ground floor to third floor was sealed from the main entrance at 01 point. The shops at ground floor was also sealed at 07 point. It is submitted that a letter no. D-27/AE(Bldg.)/CSPZ/2025 dated 08.04.2025 has been issued to SHO PS Chandni Mahal Delhi with request to keep strict watch and ward over the demolished/sealed property so that re-construction/further construction work does not take place and the sealed portion not be tampered. Photographs showing demolition/sealing action taken on 08.04.2025 and a copy of watch and ward letter dated 08.04.2025 are annexed herewith as Annexure-H(Colly) & I respectively.

xxx xxx xxx”

3. Perusal of the aforesaid Status Report shows that the MCD has already taken requisite action against the unauthorised construction at the property in question, by way of demolition/ sealing action on 8th April, 2025. Further, the Status Report also reveals that the property in question, has also been sealed, at eight points.

4. Noting the aforesaid, it is evident that requisite action already stands taken by the MCD.

5. Accordingly, it is directed that further action for complete removal of the said unauthorized construction, shall be taken by the MCD, in accordance with law.

6. No further directions are required to be passed in the present petition. Accordingly, the present writ petition is disposed of.

MINI PUSHKARNA, J

APRIL 24, 2025

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