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

+ **W.P.(C) 3921/2025 & CM APPL. 18172/2025**

POOJA SINGH

.....Petitioner

Through: Mr. Arun Kumar Verma, Adv.
(Through VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Vikas Chopra, SC with Ms. Anita
R. Mishra and Ms. Khushi, Adv. for
R-1.

M: 9212036118

Mr. Vikas Kr. Sharma, Sr. Panel
Counsel for R-2 and 3 (Through VC)

M: 9891267026

Mr. Shekhar Dasi, Mr. Md. Talha,
Mr. Ayush Dassi and Mr. Deepesh
Kasana, Adv. for Ms. Iqbal Bano
(Owner/intervener)

M: 9871655327

Email: dasi.shekhar@gmail.com

Ms. Prabhsahay Kaur, SC with Mr.
Bir Inder Singh Gurm, Adv. for R-4.

M: 9711778471

Email: sahayk@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.03.2025

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1. The present writ petition has been filed for directions to the respondent no.1 Municipal Corporation of Delhi ("MCD"), to demolish the illegal and unauthorized construction and encroachment carried out by respondent no.5, on the vacant plot/property/land of the petitioner, i.e., plot bearing no. D-89, land measuring 80 Sq. yds., part of Khasra no. 223 Min



and 224 Min, Abadi in Abdul Fazal Enclave, Okhla Village, Jamia Nagar Delhi-110025.

2. It is the contention of the petitioner that the aforesaid land was purchased by the father of the petitioner, therefore, the land measuring 80 sq. yds., belongs to the petitioner. However, since father of the petitioner has already been expired, the respondent no.5 has taken advantage and has illegally and unauthorizedly encroached on the said land of the petitioner.

3. Learned counsel appearing for owner of the property in question, Ms. Iqbal Bano, submits that the property belongs to her. He further submits that as per the affidavit, the age of the petitioner is 49 years. He draws the attention of this Court to the Aadhaar Card and submits that he has taken information from the website of the Aadhaar Card, wherein, the age band of the petitioner is 20-30 years. He, thus, submits that the petitioner is not a genuine person.

4. Learned counsel appearing for the owner of the property in question further submits that the property in question has been in existence for a long time, and has handed over copy of the electricity bills of the years, 2005, 2012 and 2018.

5. However, this Court notes the submission of learned counsel appearing for the MCD that the extent of new construction or unauthorized construction that may have been carried out by the owner/occupier of the property, cannot be ascertained from the electricity bill.

6. On the other hand, it is the case of the learned counsel appearing for the respondent MCD that the ground floor and first floor of the property were booked on 17th January, 2025, and that action is planned against the ground floor and first floor of the property on 02nd April, 2025.



7. He further submits that Show Cause Notice, with respect to unauthorized construction on second and third floor, has been issued on 05th March, 2025. He submits that requisite action shall be taken against the unauthorized construction existing in the property, as per law.

8. Learned counsel appearing for the owner of the property in question submits that he has not been impleaded in the present petition. He further submits that he has also not been provided with the Show Cause Notice or the demolition order.

9. This fact is disputed by learned counsel appearing for the respondent MCD, who submits that the requisite documents have been duly served.

10. Nevertheless, considering the submissions made before this Court, learned counsel appearing for the respondent MCD is directed to provide the requisite documents to learned counsel appearing for the owner of the property in question.

11. This Court will not go into the disputed questions of facts, as regard the ownership and title of the land in question. The petitioner is at liberty to take appropriate remedies, with regard to claiming the ownership and title of the land /property in question.

12. However, considering the submissions made before this Court, it is directed that the MCD shall take requisite action, against the unauthorized construction existing in the property, as per law.

13. With the aforesaid direction the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025/kr