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

+ **W.P.(C) 3937/2025 & CM APPL. 18380/2025**

SAHIL KHAN & ANR.

.....Petitioners

Through: Mr. Shakeel Ahmed, Adv. (Through
VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Vikramaditya Singh, Adv. for
MCD
Mr. Soumava Karmakar, SPC with
Ms. Jyoti Bajaj, Adv. for R-4
Ms. Prabhsahay Kaur, SC with Mr.
Bir Inder Singh Gurm and Ms. Kavya
Shukla, Advs.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.09.2025

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1. The present petition has been filed seeking directions to respondent nos. 1 to 3, to stop illegal and unauthorized construction carried out by respondent nos. 5 to 7 on property bearing *No. F-138/1, Abul Fazal Enclave Part-II, Shaheen Bagh, Jamia Nagar, New Delhi-110025*.

2. Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, the action taken by the MCD has been detailed. The said Status Report reads as under:

"xxx xxx xxx"



3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone

iv. **Letter to BSES & Delhi Jal Board:-** A letter bearing No. D/260/AE(B)-I/CNZ/2025 dated 26.03.2025 was sent to the concerned authorities of BSES and Delhi Jal Board for disconnection of electricity and water supply. A copy of the said letter was also endorsed to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of letter dated 26.03.2025 as sent to the BSES, DJB and Sub-Registrar is annexed herewith as **Annexure: C**.

4. That, pursuant to demolition order already stand passed, action against subject property was planned for 10.05.2025. During the action, upon availability of Police Force, 03 number of RCC panels were demolished & cut down each at roofs of third floor and fourth floor. Photographs showing the action as taken by the department on 10.05.2025 are annexed herewith as **Annexure: D**.

5. That, after taking aforesaid action, a letter bearing No. D/04/AE(Bldg.)-V/Central Zone/2025 dated 13.05.2025 has been sent to the SHO, PS Shaheen Bagh with the request to keep strict vigil over the property, so that Owner/ Builder may not be able to restore the demolished portion. Copy of watch & ward letter dated 13.05.2025 is annexed herewith as **Annexure: E**.



That, further action against subject property has been planned for 29.05.2025 and the same has been communicated to the police authorities vide letter No. D/76/EE(B)-I/CNZ/2025 dated 13.05.2025 with the request to provide adequate police force including outer police force as well as lady police on the above date, so as



of MCD has inspected the same and also referred to record maintain in this office. The status of the actions as initiated/ taken are detailed herein below:-

- i. As per record, subject property was identified by the concerned officers of this answering respondent as Property No. F-138/01, Shaheen Bagh, New Delhi.
- ii. **DEMOLITION PROCEEDINGS:-** As per record, demolition proceedings u/s 343/344 of the DMC Act were initiated against subject property vide U/c file No. 126/B/UC/EE(B)-I/CNZ/2025 dated 24.03.2025 for the unauthorised construction in the shape of Basement, Stilt, Ground Floor to Fourth Floor and accordingly, a Show Cause Notice u/s 344(1) & 343 of the DMC Act bearing printed NO. 21075 dated 24.03.2025 was issued in the name of the Owner/ Builder of the property. After following due process of law demolition order also stand passed on 17.04.2025. Copies of Show Cause Notice dated 24.03.2025 and demolition order dated 17.04.2025 are annexed herewith as **Annexure: A (Colly)**.
- iii. **Work stoppage letter u/s 344(2) of the DMC Act:-** In order to prevent further unauthorised construction at subject property, a work stoppage letter u/s 344(2) of the DMC Act bearing No. D/259/AE(B)-III/CNZ/2025 dated 26.03.2025 was sent to the SHO, PS Shaheen Bagh with the request that unauthorized construction activity at subject property be stopped by the police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc involved in the execution of work may be seized forthwith, so that no further unauthorised construction can be carried out at the site. Copy of work stoppage letter dated 26.03.2025 is annexed herewith as **Annexure: B**.





to enable this department to take the demolition/ sealing action successfully. Copy of letter dated 13.05.2025 is annexed herewith as **Annexure: F**.

7. That, further action against subject property shall be taken on 29.05.2025, subject to availability of Police Force.

xxx xxx xxx”

3. Further Status Report dated 05th September, 2025 has been filed on behalf of the MCD, which is taken on record.

4. The relevant portions of the said Status Report reads as under:

“xxx xxx xxx

4. That, further action against subject property was planned for 29.05.2025, but the same could not be executed due to shortage of time, as action on the said date was started from Property Adjoining A-16/01, Thokar No. 6, Shaheen Bagh, New Delhi involved in another High Court matter in "Cont. Cas (C) No. 76/2025 titled as Prabha Vs Wajid & Ors".

5. That, further action against subject property was planned for 02.09.2025. During the course of action, upon availability of Police Force, 04 (four) numbers of RCC panels were demolished at roof of Third Floor and reinforcement of these panels were also cut with the help of gas cutter. Photographs showing the demolition action as taken by the department on 02.09.2025 are annexed herewith as Annexure: A (Colly).

xxx xxx xxx”

5. Perusal of the aforesaid Status Reports filed on behalf of the MCD shows that MCD has already initiated action against the unauthorized construction in the property in question.
6. The MCD is held bound to take the requisite action against the unauthorized construction and remove the said unauthorized construction.
7. In case the owner/occupier of the property in question is aggrieved by



any action on behalf of the MCD, the legal right of said owner/occupier is reserved.

8. Noting the actions taken on behalf of the MCD, no further orders are required to be passed in the present writ petition.

9. Accordingly, the present writ petition along with the pending application stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 8, 2025/KR