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

+ W.P.(C) 4142/2025 & CM APPL. 19144/2025

ASHOK BRAR

.....Petitioner

Through: Mr. Akash Jha, Proxy Counsel
Mob: 8800189624

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Gaganmeet Singh Sachdeva, SC
for MCD with Mr. Harshdeep Singh
Chadha and Mr. Hridyesh Khanna,
Advs. for MCD
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Mr. Naginder Benipal, SPC with Mr.
Ankit Siwach, Mr Udit Voyhela, Mr.
Jaskaran Singh and Mr. Arjun
Baliyan, Advs. for R-3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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14.10.2025

1. The present writ petition has been filed seeking directions to the respondent-Municipal Corporation of Delhi ("MCD"), to take immediate action against the illegal and unauthorized construction being carried out by respondent no. 4 at the property bearing No. E-12/42, Hauz Rani, Malviya Nagar, New Delhi-110017.

2. Status Report dated 22nd May, 2025 has been filed on behalf of the



Municipal Corporation of Delhi (“MCD”), the relevant portions of which, are reproduced as under:

“xxx xxx xxx

3. That so as to ascertain the status of the subject property i.e. bearing No. E-12/42, Hauz Rani, Malviya Nagar, New Delhi-110017, the same has been got inspected through area field staff of Building Department –I of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the status of the actions as initiated by the Building Department –I of South Zone – MCD are detailed herein below:

- i) As per record, this property stands booked for unauthorized construction vide U/c file No. 69/UC/B-I/SZ/2025 dated 21/03/2025 in the shape of rooms on the terrace of Fourth floor. Rest of the Building is old and occupied, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law the necessary demolition order has also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-I of South Zone – MCD on 11/04/2025. Copy of demolition order is annexed herewith as **Annexure – A**
- ii) Furthermore, a letter dated 19/05/2025 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Malviya Nagar, New Delhi with the request that the said unauthorized construction be stopped immediately 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 also annexed as **Annexure – B.**

iii) Besides this, a letter for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities vide dated 19/05/2025. Copy of the said letter is annexed herewith as **Annexure – C.**

iv) Moreover, a letter dated 19/05/2025 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – D.**

v) Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and after following due process of law, the necessary sealing order has also been passed by the Competent Authority vide dated 21/05/2025, copy annexed herewith as **Annexure – E.**

4. That further pursuant to demolition / sealing orders passed in respect of the subject property, the Building Department –I of South Zone – MCD has taken / carried out the necessary action vide dated 21/05/2025. During the course of action 02 RCC panels were demolished / cut down, with the help of hammer and gas cutter, of the rooms over the



terrace of Fourth floor. Also demolished the brick walls / partition walls. Further after the demolition action, 02 rooms alongwith another room (on RHS) were sealed. Remaining 01 room was occupied and could not be vacated. Photographs taken during the aforesaid demolition / sealing action are annexed herewith as Annexure – F (Colly).

5. That simultaneously, after taking the aforesaid demolition / sealing action, a letter dated 21/05/2025 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi with the request to direct the 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 letter in this regard is also annexed herewith as Annexure – G.
6. That further action in respect of the subject property will be taken / carried out during the monthly demolition schedule of the area in question, upon availability of police force. *d*

3. Perusal of the aforesaid Status Report clearly shows that requisite action has already been initiated by the MCD.

4. Accordingly, the MCD is held bound to take further requisite action against the unauthorized construction in question.

5. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to approach the Special Task Force (“STF”), as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of ***Devender Versus Govt. of NCT of Delhi and Ors., and other connected matters***, in ***W.P.(C)***



1807/2018, and *Fazruddin Versus DDA and Ors.*, in *W.P.(C) 4649/2017.*

6. Likewise, in case, the owner/occupier of the property in question is aggrieved by any action on the part of the MCD, his right to seek remedies, in accordance with law, is reserved.

7. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 14, 2025/SK