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

+ **W.P.(C) 5009/2024 and CM APPL. 60852/2024**

SARWARI BEGUM

.....Petitioner

Through: Mr. M.S. Khan, Ms Shaziya and Mr.
Samar Gulrez, Advocates.

versus

**THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Arjun Mahajan, Standing
Counsel with Mr. Apoorv Upmanyu and Mr.
Harsh Vashist, Advocates for MCD.

Mr. Imran Ahmed, Mr. Firoz Iqbal Khan,
Mr. Mohammad Faizan and Mr. Danish,
Advocates for R-3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:-

a. Issue a writ of mandamus, writ of prohibition and any other writ, order or directions thereby directing the respondent no.1 to observe its statutory duties and also take appropriate legal action against the illegal and unauthorized construction which is carrying out at one portion of property bearing No. 2263, Katra Chandi Wala Bazar Chitli Qabar, Turkman Gate Delhi-110006, Under the law; by sealing, demolishing and taking appropriate actions as per law, and further to direct the respondent no. 1 to take appropriate action against the misuse of the above mentioned premises Bazar Chitli Qabar, Turkman Gate Delhi-110006, Under the law; by sealing, demolishing and taking appropriate actions as per law, and further to direct the respondent no. 1 to take appropriate action against the misuse of the above mentioned premises.



2. Learned Standing Counsel for MCD, relying on the status report dated 28.05.2024 submits that the subject property bearing no. 2263 (Part Portion), Katra Chandi Wala, Bazar Chitli Qabar, Delhi was booked on 26.03.2024 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 (DMC Act) upon noticing unauthorised construction in the shape of entire Ground Floor, First Floor, Second Floor and Third Floor. After following due process of law, demolition order was issued on 05.04.2024 calling upon the owner/builder to demolish the unauthorised construction within 06 days failing which the same shall be demolished at his risk and cost. Work stop notice dated 28.03.2024 was issued to SHO PS: Chandni Mahal to ensure that no unauthorized construction is carried out in the property in question. Letters were also issued on 08.05.2024 to Tata Power Delhi Distribution Limited and Delhi Jal Board for disconnection of electricity and water supply in the subject property. Additionally, copy of letter dated 10.02.2025 is handed over during the course of hearing, addressed to the SHO PS: Chandni Mahal, with a request to provide adequate police force including outer force and ladies police for a special demolition/sealing program fixed for 18.02.2025 and 20.02.2025 on the subject property. Copy of the letter is taken on record.

3. In view of the stand taken by MCD in its status report indicating that action has been taken against the subject property and further demolition action is scheduled, no further order is required to be passed in the present writ petition, save and except directing the MCD that any action taken will be compliant with statutory provisions under the DMC Act and keeping in view the guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***.



4. At this stage, learned counsel for Respondent No.3 submits that the answering Respondent be granted liberty to take recourse to appropriate legal remedy against the Petitioner, who is herself guilty of raising unauthorised construction as also making a false averment in the writ petition that she is living at the address furnished in the writ petition. Counsel for MCD submits that these allegations are yet to be verified by MCD.
5. Writ petition stands disposed of in the aforesaid terms, giving liberty to Respondent No.3 as sought, in accordance with law. It is made clear that this order is passed without prejudice to the rights and contentions of Respondent No.3 to take recourse to legal remedies against the action taken and/or proposed to be taken by MCD.
6. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 11, 2025/shivam