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

+ W.P.(C) 4450/2025

ANITA DEVI

.....Petitioner

Through: Mr. Saksham Chawla, Adv. (Through VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Shivangie Kumar and Mr. Gaurav Kumar Arya, Advs. for R-1
Mr. Niraj Kumar, Sr. Central Govt. Counsel with Mr. Chaitanya Kumar, Adv. for R-2
Mr. Shreesh Pathak, Adv. on behalf of Ms. Sangeeta Bharti, SC for DJB
Mr. Manish Gandhi, Adv. for R-6 (Through VC)
Ms. Rishika Nagpal, Adv. for R-5 (Through VC)
Mr. Udian Sharma and Mr. Jaitegan Singh Khurana, Advs. for R-3 & 4 (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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05.05.2025

1. The present writ petition has been filed seeking directions to the respondent no.1/Municipal Corporation of Delhi ("MCD"), to perform its statutory duties and prevent unauthorized and illegal construction being carried out at WZ-34A, Beri Wala Bagh, New Delhi-110064, admeasuring



100 Sq. yds. in area and also the property bearing no. WZ-34A/2, *Beri Wala Bagh, New Delhi-110064*, which is 50 Sq. yds. in area.

2. This Court notes that a Status Report dated 01st May, 2025, has been filed on behalf of the respondent-MCD, in compliance with the order dated 07th April, 2025, wherein, it has been sated as follows:

“xxx xxx xxx

4. That as per record maintained by the answering respondent No. 1/MCD i.e. Building Department-I, West Zone, that the property bearing No. WZ-34A, Beriwalla Bagh, New Delhi was booked for unauthorized construction vide file No. EE(B)-I/WZ/UC/2025/44 dated 02.04.2025 in the shape of deviation against SBP No.20013986 having projection on Mpl. Land at Stilt, Ground Floor, First Floor, Second Floor & Third Floor. Simultaneously, a show cause notice under Section 344(1) & 343 of the DMC Act was issued to Sh. Karamjit Singh/ Owner on 02.04.2025. Copy of the show cause notice dated 02.04.2025 is annexed herewith as **Annexure-‘A’**.

5. That a work stop notice u/s 344 (2) of the DMC Act was issued to concerned SHO PS Rajouri Garden, New Delhi on 04.04.2025 with a request that the aforesaid unauthorized construction activity 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 the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site during holidays & odd hours also. Copy of the work stop notice dated 04.04.2025 is annexed herewith as **Annexure-‘B’**.

6. That a reply of the aforesaid show cause notice was received in the department on 16.04.2025 from Sh. Karamjit Singh. After





considering the said reply, personal hearing was granted to Shri Karamjit Singh in the matter. During the personal hearing held on 30.04.2025, the applicant Sh. Karamjit Singh has submitted copy of sale deed of his property and further stated that he is willing to get regularize his property as per prevailing norms of regularization policy after demolishing the non-compoundable deviation existing in the property. He further requested to allow him 15 days more time to regularize his property. The request of the applicant has been considered and now next date of hearing in the matter has been fixed for 15.05.2025.

7. That it is also submitted that apart from action initiated u/s 343 & 344 of the DMC Act, action u/s 345-A of the DMC Act has also initiated against the aforesaid property and a show cause notice was issued to the owner/builder Sh. Karamjit Singh on 23.04.2025. In compliance of aforesaid show cause notice, a reply has been received in the department from Sh. Karamjeet Singh on 25.04.2025, vide which he has requested to give him suitable time for personal hearing in the matter. The request of the applicant is under consideration with the department.
8. That it is further submitted that the property bearing No. WZ-34A-2, Beriwalla Bagh, New Delhi was booked for unauthorized construction vide file No. EE(B)-I/WZ/ UC/2025/45 dated 02.04.2025 in the shape of Stilt, Ground Floor, First Floor, Second Floor & Third Floor with projection on municipal land. Simultaneously, a show cause notice under Section 344(1) & 343 of the DMC Act was issued to the Owner/Builder on 02.04.2025. Copy of the show cause notice dated 02.04.2025 is annexed herewith as Annexure-'C'.





9. That a work stop notice u/s 344 (2) of the DMC Act was issued to concerned SHO PS Rajouri Garden, New Delhi on 04.04.2025 with a request that the aforesaid unauthorized construction activity 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 the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site during holidays & odd hours also. Copy of the work stop notice dated 04.04.2025 is annexed herewith as **Annexure-'D'**.

10. That a reply of the aforesaid show cause notice was received in the department on 16.04.2025 from Sh. Amit Kumar. After considering the said reply, personal hearing was granted to Shri Amit Kumar in the matter. During the personal hearing held on 30.04.2025, the applicant Sh. Amit Kumar has submitted copy of sale deed of his property and further stated that he is willing to get regularize his property as per prevailing norms of regularization policy after demolishing the non-compoundable deviation existing in the property. He further requested to allow him 15 days more time to regularize his property. The request of the applicant has been considered and now next date of hearing in the matter has been fixed for 15.05.2025.



11. That it is also submitted that apart from action initiated u/s 343 & 344 of the DMC Act, action u/s 345-A of the DMC Act has also initiated against the aforesaid property and a show cause notice was issued to the owner/builder Sh. Amit Kumar on 23.04.2025. In compliance of aforesaid show cause notice, a reply has been received in the department from Sh. Amit Kumar on 25.04.2025,



vide which he has requested to give him suitable time for personal hearing in the matter. The request of the applicant is under consideration with the department.

12. Now, further action shall be taken in due course of time as per provisions of the DMC Act after following due process of law.

xxx xxx xxx”

3. A perusal of the aforesaid Status Report shows that the requisite action has already been initiated by the MCD.
4. This Court further notes that owner/occupiers of one of the property has also submitted that he shall apply for regularization of the construction in his property, after demolishing the non-compoundable deviations existing in the property.
5. In case any application for regularization is filed by any owner/occupier of the property in question, the same shall be considered and a Speaking Order shall be passed after granting hearing to the concerned person.
6. Accordingly, the MCD is directed to take appropriate action with respect to unauthorized and illegal construction, if any, in accordance with law.
7. Further, in case the petitioner is aggrieved by the any non-action on the part of the MCD, the petitioner shall be at liberty to approach the Special Task Force (“STF”) 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.***, in ***W.P.(C) 1807/2018*** and ***Fazruddin Versus DDA and Ors.*** in ***W.P.(C) 4649/2017***.



8. With the aforesaid directions, the present writ petition, stands disposed of.

MINI PUSHKARNA, J

MAY 5, 2025/kr