



\$~42

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

+ **W.P.(CRL) 1160/2024 & CRL.M.A. 11204/2024**

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Mr. Prithish Sabharwal, Advocate for
MCD

Mr. Shivek Trehan (Amicus Curiae),
Ms. Manika Pandey, Advocate

versus

STATE OF NCT DELHIRespondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Ms. Sakshi Jha,
Advocates for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.12.2025

%

1. Petition under Article 226/227 of Constitution of India read with Section 482 Cr.P.C. to challenge the Order dated 26.03.2024 of learned MM, New Delhi whereby the directions have been given to the Commissioner, MCD to comply with the Order dated 16.02.2024 of the learned MM and also a Notice has been issued to Commissioner, MCD to file a reply on the next date of hearing.

2. The ground for challenge of Order 16.02.2024 or 26.03.2024 is that the Commissioner has been directed to provide the reasons for not filing a Complaint regarding the unauthorized construction against the builder and has further directed him to comply with the Order. However, it has not been appreciated that MCD has already followed proper procedure of booking the property with unauthorized construction by filing FIR No. 0404/2020 on



22.10.2020 (Complaint was made on 09.10.2020 by Dy. Commissioner under Section 461 DMC Act on the report submitted by Jr. Engineer regarding the tampering of the seal of the property in question.

3. It has also not been considered that the Commissioner had also written to the learned MM *vide* Letter dated 30.08.2022 in regard to the permission under Section 467 DMC Act requesting to proceed with the trial against the Accused in accordance with law. It is therefore submitted that the impugned Orders dated 16.02.2024 and 26.03.2024 of learned MM be set aside.

4. From the bare perusal of the Petition, it emerges that by the two orders, the substantive directions have been given only for filing of reply by Commissioner, MCD. No ground whatsoever has been agitated to substantiate the grievance of Commissioner, MCD merely because it has been asked to file a reply to explain how the five storeys unauthorized construction got constructed and why it has not been demolished.

5. There can be no grievance of a direction to file a reply by Commissioner, MCD only to explain certain facts. There is no merit in the present Petition, which is hereby dismissed alongwith pending Applications.

6. Learned Counsel for the Petitioner submits that they would comply with the directions of learned MM and shall file the reply as directed.

NEENA BANSAL KRISHNA, J

DECEMBER 16, 2025

N