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

+ CONT.CAS(C) 580/2022 CM APPL. 37715/2023 CM APPL.
42139/2023 CM APPL. 42140/2023 CM APPL. 1199/2025 CM
APPL. 1200/2025

ASHOK MAHESWARI

.....Petitioner

Through: Mr. Sanjay Sehgal and Mr. Shevesh
Sehgal, Advocates.

versus

COMMISSIONER SDMC

.....Respondent

Through: Mr. Sanjeev Sabharwal, Standing
Counsel with Ms. Shweta Singh and
Ms. Mansi Sharma, Advocates for
MCD.

+ CONT.CAS(C) 1083/2023 CM APPL. 76315/2024 CM APPL.
76316/2024

16 DARYA GANJ RESIDENT WELFARE ASSOCIATION

.....Petitioner

Through: Mr. Sanjay Sehgal and Mr. Shevesh
Sehgal, Advocates.

versus

C S MANGLA

.....Respondent

Through: Ms. Puja S. Kalra, Standing Counsel,
MCD.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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05.05.2025

1. **CONT.CAS(C) 580/2022** was filed by the petitioner for removal of
illegal and unauthorized construction in the form of a wall in front of his
property located at 7/31, Ansari Road, Darya Ganj, Delhi-110002. It was

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stated that the unauthorized construction in the form of a wall measuring 50 feet was made in front of the said plot. Based on this petition, an order dated 9th July, 2019 was passed disposing of the petition being **W.P (C) 7275/2019**, recording the submission of *Mr. Sanjeev Sabharwal*, counsel for the Municipal Corporation of Delhi (**'MCD'**) that an inspection would be carried out and, if it was found that there was no authorisation, necessary steps would be taken.

2. Subsequent thereto, an affidavit was filed on 10th January 2023, stating that, on inspection, it was found that a wall of about 40 feet had been raised illegally over the old existing wall. A communication was sent to the *16-Darya Ganj, Residents' Welfare Association* (**'RWA'**), requesting them to remove the said wall. RWA did not remove the said wall and, then a demolition action was fixed.

3. In the meantime, the RWA filed **W.P. (C) 71/2023**. On 5th January 2023, the High Court noted that the petition was being withdrawn with liberty to seek leave before the Appellate Tribunal Municipal Corporation of Delhi (**'ATMCD'**). Accordingly, a petition was filed before the ATMCD, which was disposed of on 1st March, 2023, noting that there was no demolition order and, therefore, the appeal was not maintainable.

4. In any event, the status report has been filed on 27th January 2024, recording that since no demolition was carried out by RWA and considering that there was no stay order on the demolition to be carried out by the ATMCD, the necessary demolition actions were planned. On availability of the police force, the illegally raised wall having a height of about 32 feet over and above the old permitted wall of 18 feet was demolished pursuant to demolition action taken on 5th June 2023, 6th June 2023, and 7th June 2023.

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5. Ms. Pooja Kalra, counsel for MCD, informs that a fresh writ petition being **W.P. (C) 8919/2023** was filed by RWA before this Court, which was disposed of by order dated 15th January 2025, by a Coordinate Bench of this Court. The writ petition had been preferred for restraint on the authorities from taking any demolition action against the said wall. The Court noted that there was a dispute between the RWA and the owners of 7/31, *Ansari Road, Darya Ganj, Delhi-110002*, regarding the prevalence of the wall which was constructed. While the latter stated it was post 2016, the MCD stated that it was a historical wall existing since 1951. The Court notes as under:

*“6. In my considered view, this dispute cannot be entered into in the present writ petition. It will be open to Respondent No.3 to take recourse to appropriate remedies before the appropriate forum in accordance with law with respect to the construction of the wall including the period within which it was allegedly constructed. Rights and contentions of the parties on this aspect are left open.
7. Writ petition stands disposed of in the aforesaid terms.”*

6. In this view of the matter, nothing further would subsist in these contempt petitions. Right has been given to the parties to take steps in accordance with law.

7. Both petitions are disposed of.

8. Order be uploaded to the site of this Court.

ANISH DAYAL, J

MAY 5, 2025/NA/tk