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

+ **W.P.(C) 4904/2025 & CM APPL. 22546/2025**

ASHISH BIJI

.....Petitioner

Through: Mr. Saurabh Khosla, Adv.

versus

**THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Tarunvir Singh Khehar, Adv.
with Ms. Guneet Khehar, Adv. for
MCD (Through VC)
Ms. Avni Singh, PC for DLF
SI Sandeep Kumar, PS Vasant Kunj
North

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
22.08.2025

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1. The present writ petition has been filed seeking directions/orders to respondent nos. 1 and 2, to take appropriate action against the illegal and unauthorized construction raised by respondent nos. 4 and 5 on the roof of the property bearing No. 7463, B10, Vasant Kunj, Delhi-110070.
2. Pursuant to the notice issued by this Court, Status Report dated 20th August, 2025, has come to be filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, are reproduced as under:



3. That so as to ascertain the status of the subject property i.e. bearing Flat No. 7463, B-10, Vasant Kunj, Delhi, the same has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.
4. That on inspection and referring to the record, it has been noticed that in the vertical stack there are 04 flats at site i.e. bearing Flat No. 7457, B-10 (Ground floor), Flat No. 7459, B-10 (First floor), Flat No. 7461, B-10, (Second floor) and Flat No. 7463, B-10, (Third floor), Vasant Kunj, New Delhi and on noticing the unauthorized construction in these flats in the shape of covering set back, front court yard by erecting common pillars from Ground floor and extending side balcony against Standard DDA Plan, the Building Department –II of South Zone – MCD has initiated / taken the necessary actions in respect of all the aforesaid properties / flats as per the details given herein below:

A. Flat No. 7457, B-10, (Ground floor), Vasant Kunj, New Delhi.

- i. As per record, the subject property / flat is booked for unauthorized construction vide U/c file No. 226/UC/B-II/SZ/2025 dated 17/04/2025





in the shape of covering set back front court yard and extending side balcony against Standard DDA Plan, for taking necessary action u/s 343/344 of DMC Act, 1957. The requisite Show Cause Notice vide serial No. 21657 dated 17/04/2025 has also been issued / served upon the owner / occupier of this property / flat. Copy of Show Cause Notice is annexed herewith as **Annexure –A.**

- ii. In response to the aforesaid Show Cause Notice, a reply dated 06/05/2025 has been received from one Ms. Geeta Gupta, the owner / occupier / noticee. On examining and considering the submissions / contentions made therein, in the interest of justice, the opportunity of personal hearing was extended vide dated 14/08/2025 and after concluding the hearing proceedings, the matter is reserved for passing of necessary orders.

B. Flat No. 7459. B-10, (First floor), Vasant Kunj, New Delhi.

- i. As per record, the subject property / flat is booked for unauthorized construction vide U/c file No. 227/UC/B-II/SZ/2025 dated 17/04/2025 in the shape covering set back front court yard and extending side balcony against Standard DDA Plan, for taking necessary action u/s 343/344 of DMC Act,





1957. The requisite Show Cause Notice vide serial No. 21658 dated 17/04/2025 has also been issued / served upon the owner / occupier of this property / flat. Copy of the said Show Cause Notice is annexed herewith as **Annexure – B.**

ii. Further, since no reply / response to the aforesaid Show Cause Notice has been received from the noticee, considering the same, the necessary demolition order has been passed by the Competent Authority i.e. AE (Bldg)-II of South Zone – MCD vide dated 09/05/2025. The copy of the demolition order is annexed herewith as **Annexure – C.**

iii. Moreover, pursuant to aforesaid demolition order, the Building Department –II of South Zone – MCD has taken / carried out the necessary demolition action on 10/06/2025 and upon availability of police force, 02 big size RCC panels have been demolished and reinforcement bars cut with the help of gas cutter at roof of Ground floor / First floor. The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure –D (Colly).**

iv. Simultaneously, after taking the aforesaid demolition action, a letter dated 10/06/2025 has also been sent to concerned, SHO PS



Vasant Kunj (North), New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over this subject property / flat so that the demolished portion may not be restored / repaired. Copy of the said letter dated 10/06/2025 is also annexed herewith as **Annexure –E.**

C. Flat No. 7461, B-10, (Second floor), Vasant Kunj, New Delhi.

- i. As per record, the subject property / flat is booked for unauthorized construction vide U/c file No. 228/UC/B-II/SZ/2025 dated 17/04/2025 in the shape of covering set back, front court yard and extending side balcony against Standard DDA Plan, for taking necessary action u/s 343/344 of DMC Act, 1957. The requisite Show Cause Notice vide serial No. 21659 dated 17/04/2025 has also been issued / served upon the owner / occupier of this property / flat. Copy of Show Cause Notice is annexed herewith as **Annexure –F.**
- ii. In response to the aforesaid Show Cause Notice, a reply dated 05/05/2025 has been received from one Ms. Anjali Kumar and Shri Deepak Kumar, the owner / occupier / noticee. On examining and considering the submissions / contentions made therein, in





the interest of justice, the opportunity of personal hearings were extended for 05/06/2025, 08/07/2025, 05/08/2025 and now for 19/08/2025 considering the request dated 06/08/2025 received from their authorized representative, in the interest of justice.

D. Flat No. 7463, B-10, (Third floor), Vasant Kunj, New Delhi.

- i. As per record, the subject property / flat is booked for unauthorized construction vide U/c file No. 225/UC/B-II/SZ/2025 dated 17/04/2025 in the shape of covering front court yard side balcony extending and extra floor against Standard DDA Plan, for taking necessary action u/s 343/344 of DMC Act, 1957. The requisite Show Cause Notice vide serial No. 21656 dated 17/04/2025 has also been issued / served upon the owner / occupier of this property / flat. Copy of Show Cause Notice is annexed herewith as

Annexure –G.

- ii. In response to the aforesaid Show Cause Notice, a reply dated 01/05/2025 has been received from one Ms. Pooja Dubey, the owner / occupier / noticee. On examining and considering the submissions / contentions made therein, in the interest of justice, the





opportunity of personal hearings were extended to the noticee vide dated 19/05/2025, 05/06/2025, 18/06/2025, 30/06/2025, 22/07/2025, 07/08/2025 and now fixed for 26/08/2025 considering her request dated 07/08/2025, in the interest of justice.

5. That further action in respect of the aforesaid subject referred properties / flats will be taken / carried out in due course of time, as per law.

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

4. Accordingly, the MCD is held bound to take appropriate action, in accordance with law, after following the due procedure.

5. It is clarified that in case, any of the owners/occupiers of the flats in question, are aggrieved by any action taken by the MCD, they are at liberty to seek their remedies, in accordance with law.

6. Likewise, in case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to seek his remedies, in accordance with law.

7. Learned counsel appearing for respondent no. 3, i.e., Deputy Conservator of Forest (West), Delhi Government, submits that as regards the cutting of the branches of the trees, requisite action has already been initiated, and is currently pending.

8. The aforesaid statement is taken note of.

9. Learned counsel appearing for respondent no. 2, i.e., Station House Officer ("SHO"), Police Station Vasant Kunj, has also handed over copy of



their Status Report, which is taken on record.

10. Considering the aforesaid, no further orders are required to be passed in the present petition.

11. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

AUGUST 22, 2025/KR