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

+ **W.P.(C) 4935/2025 & CM APPL. 65267/2025**

TRILOK MEHLAWAT

.....Petitioner

Through: Mr. Amarjit Singh and Mr. Sachin
Singh, Advs. (Through VC)

versus

**DEPUTY COMMISSIONER MUNICIPAL CORPORATION OF
DELHI AND ORS.**

.....Respondents

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya and Mr. Satbeer, Advs.
for MCD
Mr. Tanveer Ahmed Ansari, SPC for
R-3 & 4
Mr. Sanjay Rathi, Adv. for R-5
(Through VC)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
07.11.2025**

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1. The present writ petition has been filed seeking directions to respondent nos. 1 to 4, to demolish the illegal and unauthorized construction raised up to the fifth floor on *Plot No. 98/9, measuring 750 sq. yds.* in Village *Kishangarh, New Delhi*, by respondent no.5.
2. A Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, are extracted as follows:



“xxx xxx xxx

4. That on inspection and referring to the record, the subject property has been identified as property opposite 131/9, Kishangarh, New Delhi and the status of action initiated / taken by the department is detailed herein below:

i) As per record, the subject property is already stands booked vide U/c File No. 473/UC/B-II/SZ/2024 dated 03/12/2024 in the shape of Stilt, Ground floor & raising of columns at First floor, for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following the due process of law, the necessary demolition order has also been passed by the Competent Authority vide dated 23/12/2024. Copy of demolition order is annexed herewith as **Annexure –A.**

ii) Moreover, on noticing the further unauthorized construction in respect of the subject property, the same has been booked Vide U/c File No. 234/UC/B-II/SZ/2025 dated 21/04/2025 in the shape of First floor, Second floor, Third floor and Fourth floor (in continuation of earlier Booking No. 473/UC/B-II/SZ/2024 dated 03/12/2024), for taking the necessary demolition action u/s





343/344 of DMC Act – 1957. The mandatory Show Cause Notice dated 21/04/2025 has also been issued to the owner / builder of the subject property. Copy of Show Cause Notice is also annexed herewith as **Annexure –B.**

iii) Furthermore, a letter dated 10/12/2024 u/s 344 (2) of the DMC Act, has also been sent to SHO, PS. Kishan Garh, New Delhi with the request that the unauthorized construction be stopped and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter dated 10/12/2024 is annexed herewith as **Annexure –C.**

iv) Besides this, a letter dated 10/12/2024 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is also annexed herewith as **Annexure –D.**

v) Moreover, a letter dated 10/12/2024 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure –E.**

vi) Apart from this, sealing proceedings u/s 345-A of DMC Act, 1957 has also been initiated in respect of the subject property after following due process of law, the necessary sealing order has





also been passed by the Competent Authority i.e. Deputy Commissioner of South Zone – MCD vide dated 28/01/2025. Copy of sealing order is also annexed herewith as **Annexure – F.**

vii) In addition to above, Prosecution action U/s 466-A of DMC Act – 1957 has also been initiated and complaints dated 17/12/2024 and 28/01/2025 have also been sent to DCP South District, Hauz Khas, New Delhi. Copy of said complaints are also annexed herewith as **Annexure –G (Colly).**

5. That pursuant to the demolition order dated 23/12/2024 as passed in U/c File No. 473/UC/B-II/SZ/2024, demolition action has also been taken in respect of subject property by the Building Department – II of South Zone – MCD on 30/04/2025. During the demolition action 05 RCC roof panels of Stilt floor have been demolished and reinforcement bars cut down with the help of gas cutter. Beside this, 01 roof panels of Ground floor has also been partially demolished, upon availability of police force. Photographs taken during the aforesaid demolition action are also annexed herewith as **Annexure – H (Colly).**

6. That after taking the aforesaid demolition action, a letter dated 06/05/2025 has also been sent to concerned, SHO PS Kishangarh, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the





demolished portion may not be restored / repaired.
Copy of the said letter dated 06/05/2025 is also annexed herewith as **Annexure –I.**

7. That furthermore, it is also pertinent to mention here that on being aggrieved with the aforesaid action, the owner / builder of the subject property preferred an Appeal bearing No. 268/ATMCD/2025 titled as "*Laxmi Narayan Yadav VS MCD*" before the Hon'ble Tribunal –MCD. The Hon'ble Tribunal – MCD vide its order dated 01/05/2025 has been pleased to passed the following orders:

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1. Status report is filed by the MCD. Copy supplied.
2. Record has been produced. It be deposited with Registry and tagged with the file.
3. Copy of the order dated 21.04.2025 passed in WP(C) 4935/25 is placed on record by the MCD. It is informed that Hon'ble High Court of Delhi is hearing the matter in respect of property in question and the next date of hearing in the Hon'ble High Court is 15.05.2025.
4. Ld. Counsel for the appellant submits that they will move an appropriate application before the Hon'ble High Court of Delhi seeking necessary directions in respect of present appeal.
5. Ld. Counsel for the MCD submits that as the appellant is seeking permission to move to Hon'ble High Court of Delhi for seeking clarifications, they will not take any coercive action against the property in question till next date of hearing.

At joint request of the parties, matter be listed for further proceedings on 07.05.2025.

The Copy of order dated 01/05/2025 is annexed herewith as **Annexure – J.**

8. That further the aforementioned undertaking as referred in order dated 01/05/2025 has been extended





by the Hon'ble ATMCD vide its order dated 07/05/2025 and fixed the matter for 16/05/2025 in terms of this order. The copy of the order dated 07/05/2025 is also annexed herewith as Annexure – K.

9. That further it is also relevant to mention here that this Hon'ble Court vide its order dated 07/05/2025 passed in CM Application No. 27666/2025 moved by the Respondent No. 5 in the instant Writ Petition, has been pleased to disposed of the said application with following main directions:

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12. *Considering the submissions made before this Court, since respondent no. 5 has exercised his statutory remedy by filing an appeal before the learned ATMCD, it is clarified that learned ATMCD shall hear the appeal filed by respondent no. 5 herein, on its own merits.*

13. *With the aforesaid clarification, the present application is disposed of.”*

10. That furthermore it is also pointed out that on disposal of the aforesaid CM Application as above, in terms of the order as above, the Building Department –II of South Zone – MCD is filing an application before Hon'ble Tribunal –MCD in the above said ATMCD appeal preferred before Hon'ble ATMCD for Vacation of the undertaking as referred in the order dated 01/05/2025 which is further extended vide order dated 07/05/2025.



That further action in respect of the subject property will be taken / carried out after Vacation of the



aforesaid undertaking given before Hon'ble Tribunal,
as per law.

SV

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3. Perusal of the aforesaid Status Report shows that the unauthorized construction in the property in question has already been booked in the year 2024 and a Demolition Order dated 23rd December, 2024 has been passed by the MCD. Further, part demolition action has also been taken by the MCD on 30th April, 2025.
4. This Court is informed that respondent no. 5 has filed an appeal before the Appellate Tribunal MCD (“ATMCD”), i.e., *Appeal No. 268/2025*, titled as “*Laxmi Narayan Yadav Versus MCD*”.
5. This Court is further informed that *vide* order dated 14th October, 2025, passed in the said appeal, the learned ATMCD has directed that no coercive action shall be taken against the property in question.
6. Considering the aforesaid, it is directed that further action shall be taken by the MCD against the unauthorized construction in question, subject to any orders that may be passed by the ATMCD.
7. Noting the aforesaid, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 7, 2025/KR