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

+ **W.P.(C) 5213/2025 & CM APPL. 45038/2025**

SH. MAHENDER KUMAR

.....Petitioner

Through: Mr. Rohit Yadav, Advocate
versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Kannopriya Gupta, Adv. for R-1
to 3-MCD M: 8447616105
Mr. Abhishek Dhingra, Adv. for R-5
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office.abhishekadv@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **28.07.2025**

CM APPL. 45038/2025 (for condonation of delay)

1. The present is an application on behalf of the respondent no.1 for condonation of delay of 45 days in filing their reply.
2. For the reasons stated in the application, the delay of 45 days in filing the reply by respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD") is condoned.
3. Accordingly, the Status Report/reply filed on behalf of the MCD, is taken on record.
4. With the aforesaid directions, the present application is disposed of.

W.P.(C) 5213/2025

5. The present writ petition has been filed seeking directions to



respondent nos. 1 to 4 to demolish the illegal and unauthorized construction in property bearing no. J-19 & J-20, near Rajbir Halwai, Laxmi Nagar, Delhi-110092.

6. There is further prayer for restraining respondent no. 5 from raising any illegal, unlawful and unauthorized construction on the property in question.

7. Status Report has been filed on behalf of the MCD, which states as follows:

“xxx xxx xxx

3. That, it is submitted that Sh. Shyam Lal/Owner/Occupier/Builder got the building plan sanctioned vide request ID No. 200013970 under Saral Scheme for construction of Stilt Floor, Ground Floor, First Floor, Second Floor & Third Floor after depositing permit fee amounting to Rs. 2,13,331/- on 19.10.2024. Copy of Sanction Letter is annexed as **Annexure R - 1**.

4. That, it is further to submit that the property bearing No. J- 19 & 20 known as J — 19 & 20 C, Khasra No. 62/2, Laxmi Nagar, Village Khureji Khas, Illaqa Shahdara, Delhi-110092 has been inspected by area Junior Engineer Building Department -II, Shahdara South Zone, MCD, on 23.04.2025 and noticed that the owner (s)/occupier (s)/builder (s) carried out unauthorized construction in shape of deviation against sanctioned building plan from Stilt Floor to Third Floor along with projections on municipal land. Hence, the said violation has been booked vide unauthorized construction file No.80/B/UC/SS/2025 dated 23.04.2025.

5. That, accordingly, Show Cause Notice u/s 344 (1) & 343 of the DMC Act, 1957 (66 of 1957) had been issued to Sh. Shyam Lal/Owner (s)/Builder (s) with the direction (s) to reply the same within 15 days from the date of issuance of the Show Cause Notice in addition an opportunity of personal hearing was also granted for the date 08.05.2025 in the office of Assistant Engineer concerned. In response, the noticee preferred not to reply resulting in issuance of Demolition Order Notice u/s 343 of the Act on 14.05.2025 wherein it was directed demolish/remove above mentioned unauthorized construction within 15 days failing which the department itself carry out demolition action



*and expenditure so incurred for the same shall be recovered . Copy of Demolition Order Notice is annexed as **Annexure R-2**.*

*6. That, the department has initiated sealing action u/s 345-A of the DMC Act, 1957 against impugned property and Sealing Show Cause Notice dated 06.05.2025 has been served upon / sent to Sh. Shyam Lal/Owner (s)/Occupier (s)/Builder (s) of the property. In response, the Owner (s)/Occupier (s)/Builder (s) failed to submit any reply within stipulated time resulting in order of sealing was passed on dated 21.05.2025 u/s relevant action of DMC Act, 1957. Copy of Sealing Order is annexed as **Annexure R-3**.*

*7. That, in compliance of order of sealing, the department executed sealing action on 26.05.2025 wherein the main entrance of the premises was sealed. Photograph taken during the action is annexed as **Annexure R-4**.*

xxx xxx xxx”

8. A perusal of the aforesaid Status Report shows that the MCD has already initiated action against the unauthorized construction in the property in question. Further, MCD has also sealed the property on 26th May, 2025.
9. Learned counsel for the petitioner expresses satisfaction over the action having been taken by the MCD.
10. At this stage, learned counsel for respondent no. 5 submits that application for regularization has been filed on their behalf with the MCD, which is pending for consideration.
11. He further submits that the sealing action taken by the MCD is bad in law.
12. Accordingly, it is directed that the MCD shall decide the regularization application filed on behalf of respondent no. 5, in accordance with law, after taking into consideration all the submissions made by respondent no. 5.
13. Further, MCD shall also grant personal hearing to respondent no. 5 at



the time of dealing with his regularization application.

14. Considering the submissions made before this Court, respondent no. 5 is also granted liberty to seek his remedies in accordance with law, to challenge the sealing action taken by the MCD.

15. Liberty of the petitioner is also reserved, in case the petitioner is aggrieved by any non-action on the part of the MCD.

16. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

JULY 28, 2025/au