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

+ W.P.(C) 9614/2022 & CM APPL. 28690/2022

DELHI WAQF BOARD

.....Petitioner

Through: Ms. Farhat Jahan Rehmani, ASC with
Mr. Mohd. Danish, Advocate
Mob: 9868179046

versus

DELHI MUNICIPAL CORPORATION & ORS.Respondents

Through: Mr. Prabhat Kumar, Advocate for
MCD

Mob: 9811456675

Ms. Shobhana Takiar, Mr. Kuljeet
Singh and Mr. Shivam Takiar,
Advocates for DDA

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Sood, Advocates for R-4

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.08.2025

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1. The present writ petition has been filed seeking direction to the respondents to stop and demolish all construction activity on the land bearing *Khasra no. 61, Gali no.12, Ambedkar Colony, Andheria Mod, Chattarpur, New Delhi-110074*.

2. Learned counsel appearing for the respondent-Municipal Corporation of Delhi ("MCD"), draws the attention of this Court to the various Status Reports filed on behalf of the MCD.

3. This Court notes that in the Status Report dated 26th November, 2022,



it has been noted as follows:

“xxx xxx xxx

4. That it is also pointed out here that pursuant to aforesaid demolition order already passed, the Building Department-II of South Zone /MCD has also tried to take/ carry out the necessary demolition action vide dated 24/08/2022, however, on account of shortage of time action could not be materialized since the action was taken on another property i.e. bearing No. Farm No. 6, Palm Drive, DLF Farm, Chhattarpur, New Delhi.

xxx xxx xxx”

4. Then again, in further Status/Action Taken Report filed on behalf of MCD on 21st September, 2023, it is stated as follows:

“xxx xxx xxx

3. That pursuant to demolition /sealing orders already passed in respect of subject property Opp. H. No. B-2, Khasra No. 61, Gali No. 12, Ambedkar Colony, Andheria More, Chhattarpur, New Delhi, the Building Department-II of South Zone has tried/ taken /carried out the further necessary demolition /sealing action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	13/12/2022	Upon availability of police force, 02 rooms on Ground floor have been demolished and rendered the same uninhabitable / beyond use.
2.	27/02/2023	So as to take / carry out further necessary demolition / sealing action smoothly, a Vacation Notice dated 27/02/2023 u/s 349 of DMC Act, 1957 has also been sent to the owner / occupier to vacate the same and a copy thereof has also been endorsed to SHO concerned PS Mehrauli to get the impugned property / portion vacated.
3.	04/05/2023 & 08/06/2023	Action could not be taken due to shortage of



		time.
4.	06/09/2023	Action could not be taken due to non-availability of police force.

*The photographs pertaining to aforesaid demolition action alongwith copy of Vacation Notice and No Force letter are annexed herewith as **Annexure-A (Colly)**.*

*4. That after taking the aforementioned demolition action, a letter dated 15/12/2022 has also been sent to concerned SHO PS Mehrauli, New Delhi with the request to direct the area patrolling staff to keep strict vigil over the subject property so that the demolished portion may not be re-stored/ repaired. Copy of the said letter is also annexed herewith as **Annexure-B**.*

xxx xxx xxx”

5. Further, again revised Status /Action Taken Report dated 14th April, 2024 has been filed on behalf of MCD, of which, the relevant portion is reproduced as under:

3. That pursuant to demolition / sealing orders already passed in respect of subject property i.e. Opp. H.No. B-2, Khanna No. 61, Gali No. 12, Ambedkar Colony, Andheria More, Chhatterpur, New Delhi, the Building Department-II of South Zone – MCD has taken / carried out the further necessary demolition action on 12/03/2024. During the action the earlier demolished portion have been found repaired, however, despite stiff resistance at the site, 02 slabs panels have been again demolished and by way of this action 02 rooms at Ground floor were made uninhabitable. Rest of the portion of the property has been found residentially occupied. The Photographs taken during the aforesaid demolition action are annexed herewith as **Annexure – A (Colly)**.
4. That after taking the aforesaid demolition action, a letter dated 12/03/2024 has been sent to SHO concerned, PS Mehrauli, 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 is annexed herewith as **Annexure – B**.



5. That furthermore, it is also submitted here that so as to take / carry out further necessary demolition / sealing action in respect of the subject property smoothly, a Vacation Notice u/s 349 of DMC Act, 1957 has also been sent to owner / occupier to vacate the same and a copy thereof has also been sent to SHO concerned, PS Mehrauli, New Delhi with the request to get the impugned portion / property vacated. Copy of the said Vacation Notice is also annexed herewith as Annexure – C.
6. That the department has now fixed the further necessary demolition / sealing action programme in respect of the subject property for 28/03/2024 which will be taken / carried out, upon availability of police force.

6. The MCD has filed its latest Status/Action Taken Report dated 30th November, 2024, wherein, it is stated as follows:

“xxx xxx xxx

3. That it is submitted that pursuant to demolition / sealing orders already passed in respect of subject property i.e. Opp. H.No. B-2, Khasra No. 61, Gali No. 12, Ambedkar Colony, Andheria More, Chhattarpur, New Delhi, the Building Department-II of South Zone – MCD has tried / taken / carried out the further necessary demolition / sealing action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	28/03/2024	Action could not be taken due to shortage of time as the action was taken on another property i.e. bearing Farm No. 33, Central Drive, Chhattarpur, New Delhi.
2.	05/08/2024	Upon availability of police force, partially red stone roof slab demolished at Ground floor and part portion of Ground floor has been sealed at 03 points.



Photographs taken during the aforesaid demolition / sealing action are annexed herewith as Annexure –A (Colly).

4. That after taking the aforesaid demolition / sealing action, a letter dated 13/08/2024 has also been sent to SHO concerned, PS Mehrauli, 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 and the seals affixed by the department may not be tampered with. Copy of the said letter dated 13/08/2024 is annexed herewith as Annexure – B.

xxx xxx xxx”

7. Considering the aforesaid Status Reports, it is clear that action has been taken by the MCD against the unauthorized construction existing in the property in question, time and again.

8. At this stage, learned counsel appearing for the petitioner submits that the petitioner has objection against the Status Reports filed on behalf of the respondent-MCD.

9. Be that as it may, this Court notes that various actions have been taken by the MCD against the unauthorized construction existing in the property in question.

10. In case, the petitioner has any further grievance, the petitioner has the liberty to approach the Special Task Force (“STF”) as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of **Devender Versus Govt. of NCT of Delhi and Ors.**, in **W.P.(C) 1807/2018** and **Fazruddin Versus DDA and Ors** in **W.P.(C) 4649/2017**.

11. Likewise, in case, the owner/occupier of the property in question has



any grievance against any action taken by the MCD, the said owner/occupier shall have the liberty to seek remedies, in accordance with law.

12. Since, it is the stand of the MCD that further action in respect of the subject property will be taken, it is directed that the MCD shall take further action with regard to the unauthorized construction existing in the property in question, in accordance with law.

13. As regards the dispute with respect to the title of the land, this Court shall not go into any such dispute in the present proceedings.

14. Accordingly, noting the aforesaid, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

AUGUST 18, 2025/ak