



\$~59

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

+ **W.P.(C) 5447/2025 & CM APPL. 24775/2025**

SMT KAMLESH SHARMA

.....Petitioner

Through: Mr. Shiv Charan Garg and Mr. Imran
Khan, Advocates
Mob: 9313413721
Email: shivcharangarg@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS. ...Respondents

Through: Ms. Neeru Vaid, SC for Respondent
1- MCD (through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.04.2025

%

1. The present writ petition has been filed for directions to respondent nos. 1 to 3, to demolish the illegal constructions and seal the *property bearing no. 27, Hakikat Nagar, Delhi-110009*.
2. Learned counsel appearing for the petitioner submits that a complaint dated 5th April, 2025, was submitted by the petitioner to the respondents no. 1 & 2/ Municipal Corporation of Delhi ("MCD"), with respect to the unauthorized and illegal construction in the property, wherein, the respondent no. 4 has removed a load bearing wall from the property, which was standing there since last 55 years.
3. There is further allegation that the respondent no. 4 has installed a shutter and intends to convert the residential unit into a commercial one, without any permission from the MCD.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/04/2025 at 15:50:05



4. *Per contra*, learned counsel appearing for the MCD, on advance notice, submits that the unauthorized construction in the property has already been booked on 25th April, 2025, and a Show Cause Notice with regard thereto, has already been issued.

5. She further submits that the proceedings are now listed before the department on 14th April, 2025, and that requisite action shall be taken by the MCD in accordance with law, after granting hearing to the respondent no. 4 herein, i.e., owner/occupier of the property in question.

6. Taking into account the aforesaid submissions made on behalf of the MCD, it is directed that requisite action shall be taken by the MCD in accordance with law expeditiously, especially, in view of the allegation of the petitioner that a load bearing wall standing from last 55 years, has been removed.

7. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to approach the Special Task Force (“STF”) constituted by the Hon’ble Supreme Court, in terms of the directions as passed by the Division Bench of this Court in the cases of ***Devender Versus Govt. of NCT of Delhi & Ors.***, in ***W.P.(C) 1807/2018*** and ***Fazruddin Versus DDA*** in ***W.P.(C) 4649/2017***.

8. The MCD, upon taking action against the alleged unauthorized construction, shall upload the Action Taken Report, on the website of the STF.

9. The SHO of the local Police Station is directed to ensure that adequate police force is provided to the MCD for taking requisite action, against the unauthorized construction.

10. Rights and contentions of all the parties are kept open and in case the

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/04/2025 at 15:50:05



respondent no. 4, i.e., owner/occupier of the property in question, is aggrieved by any action of the MCD, he is at liberty to seek his remedies, as available.

11. The MCD shall also ensure that no further illegal construction is carried out.

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

MINI PUSHKARNA, J

APRIL 28, 2025

ak

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/04/2025 at 15:50:05