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

+ **CONT.CAS(C) 665/2025**

SMT. KUSUM GOYAL AND ANR

.....Petitioners

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI.Respondent

Through: Ms. Shilpa Dewan, ASC for MCD.
Ms. Avshreya Pratap Singh Rudy,
CGSC with Ms. Usha Jamnal, Mr.
Mohammad Junaid Mahmood, Ms.
Prajna Pandita, Advts. with SI Meghraj
S. Poonia, P.S. Hauz Qazi. for Delhi
Police.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 2(b)/10/12 of the Contempt of Courts Act, 1971 seeks the following prayers: -

“1. Issue civil contempt proceedings and punish the contemnor with the simple imprisonment which may extend to 6 months and fine for willful disobedience of order and undertaking dated 01/10/2024 given in W. P. (C) No. 13806 of 2024. titled as "Kusum Goyal vs. MCD."

2. Any other appropriate directions may be issued in favor of the petitioners and against contemnors which may deem fit and equitable in the present conditions.”

3. *Vide* order dated 01.10.2024 in W.P.(C) 13806/2024, learned Single



Judge had passed the following directions: -

“5. It is made clear that the aforesaid submissions are recorded without prejudice to the right; and contentions of respondent No. 2 or any other owners/occupants of the subject property, whose rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law. and after complying with all statutory requirements.

6. In the event the petitioner has any further grievance with regard to unauthorised construction, they are at liberty to approach the Special Task Force [STF], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. This direction is made with reference to the decisions of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018], Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245120 19], Fazruddin vs. DDA & Ors. [order dated 23.04.2019 in WP (C) 4649/2017]. and in Himanshu vs. East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022]. and decisions of Coordinate Benches in Abdul Gaffar vs South Delhi Municipal Corporation & Ors. [order dated 28.02.2019 in W.P.(C) 1773/2019] and Rashiduddin Malik vs. MCD & Ors. [order dated 02.09.2024 in WP (C) 12102/2024].”

4. In pursuance of the aforesaid directions, an affidavit/status report on behalf of respondent/MCD authored by Mr. Rakesh Brijwal, Executive Engineer, (Bldg.)- II, City SP Zone, Municipal Corporation of Delhi, Nigam Bhawan, 2nd Floor, Old Hindu College, Kashmere Gate, Delhi-06, has been placed on record stating as under: -

“4. That it is respectfully submitted that the property bearing no. property bearing no. 1887 (part), Gali Lehaswa, Bazaar Sita Ram, Delhi- 110006 was booked vide file no. 205/UC /77/(B-II/CSPZ/2024 dated 25.09.2024 for unauthorized construction in the form of entire second floor without SBP (Ground Floor & First Floor old and occupied) and after following due process of law



demolition order dated 04.12.2025 was passed in respect of entire second floor in the subject property. A copy of demolition order dated 04.12.2024 is annexed herewith as **Annexure- A**.

5. That it is submitted that in execution thereof demolition actions were planned on 30.12.2024, 14.02.2025, 24.02.2025, 19.03.2025 & 03.04.2025, but the same were not executed either due to non-availability of nonavailability of police force or shortage of time.

6. That it is submitted that at the time of booking of the property i.e, second floor was found to be occupied illegally however imposition of GRAP restriction and thereafter imposition of Model Code of Conduct of General Election vacation notice was issued on 29.04.2025 under section 349 of the DMC Act Gupta/Owner/ Occupier/Builder thereby directing her to vacate the premises/unauthorized construction within 24 hours of the receipt of the order failing which the MCD may take further action against the aforesaid premises at the risk and cost of the owner/occupier. A copy of vacation notice dated 29.04.2025 is annexed herewith. Further action in the matter was planed on 05.05.2025 wherein one 01 RCC panel at the roof of second floor was demolished partially. Photograph of the demolition action taken 05.05.2025 are annexed as **Annexure-B**.

7. That it is submitted that further, a watch and ward letter dated 05.05.2025 was also issued to the SHO P.S. Hauz Quazi to keep strict watch and ward over the demolished portion so that further construction could not take place. A copy of watch and ward letter dated 05.05.2025 is annexed herewith as **Annexure-C**.

8. That it is submitted that in continuation thereof further demolition programme was fixed on 11.06.202 and 25.06.2025 but the same were not executed either due to shortage of time. However, in the programme scheduled on 07.07.2025, 01 panel and 02 griders were cut from the roof of the second floor, thereby the second floor was made inhabitable. Photograph of the demolition action taken 07.07.2025 are annexed as **Annexure-D**.

9. It is submitted that to keep strict watch and ward over the demolished portion so that further construction could not take place a watch and ward letter dated 08.07.2025 was also issued to the



SHO P.S. Hauz Quazi. A copy of watch and ward letter dated 08.07.2025 is annexed herewith as **Annexure-E.**”

5. None appears on behalf of the petitioner today.
6. In view of the aforesaid affidavit/status report, no further directions are called for.
7. Needless to state that MCD shall take action in accordance with law in furtherance of the aforesaid status report.
8. The present petition is disposed of with liberty to the petitioner to revive the same in case of any further non-compliance by the respondent/MCD.

AMIT SHARMA, J

DECEMBER 2, 2025/kr