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

+ **W.P.(C) 5602/2025 & CM APPL. 25557/2025**

MANISH MEHLA

.....Petitioner

Through: Mr. Shakil Sheikh, Advocate

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versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Puneet Yadav, SC for MCD

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Mr Raj Kumar Yadav, Ms Preeti Gothwal and Ms Tripti, Advocates for respondent-SHO

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.12.2025

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1. The present writ petition has been filed seeking directions to stop the illegal and unauthorized construction, carried out at the *House No. 1080, Ward No. 1, in front of St. John School, Near Gurudwara, Mehrauli, New Delhi-110030.*

2. A Status Report dated 04th August, 2025, has been filed on behalf of



the Municipal Corporation of Delhi (“MCD”), relevant portions of which, read as under:

“xxx xxx xxx

3. That vide present Writ Petition, the petitioner herein has alleged unauthorized construction in respect of the property bearing No. 1080, Ward No. 1, in front of St. John School, Near Gurudwara, Mehrauli, New Delhi – 110030. Considering the same, so as to ascertain the status of the subject property, the same has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and comparing the site position with the photographs attached in the present Writ Petition, 02 properties have been identified by the department as property opp. to St. John Public School, Ward No. 1, Mehrauli, New Delhi and Property Adj. to H.No. 1080, Ward No. 1, Near St. John Public School, Mehrauli, New Delhi. The property wise details of actions initiated / taken by the department are given herein below:

A. Opp. to St. John Public School, Ward No. 1, Mehrauli, New Delhi.

- i) As per record, this property is already stands booked for unauthorized construction vide U/c file No. 106/UC/B-II/SZ/2025 dated 19/03/2025 in



the shape of Stilt floor, Ground floor, First floor, Second floor and Third floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition order has also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide dated 07/04/2025. Copy of demolition order is annexed herewith as **Annexure – A.**

- ii) Furthermore, a letter dated 21/03/2025 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Mehrauli, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure – B.**
- ii) Besides this, a letter for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities vide dated 21/03/2025. Copy of the said letter is annexed herewith as **Annexure – C.**
- v) Moreover, a letter dated 21/03/2025 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – D.**



- v) Apart from this, Prosecution action u/s 466-A of DMC Act – 1957 has also been initiated in respect of the subject property and a complaint dated 18/07/2025 has been sent to DCP South District, Hauz Khas, New Delhi and a copy thereof has also been endorsed to concerned SHO PS Mehrauli, New Delhi. Copy of complaint dated 18/07/2025 is also annexed herewith as **Annexure – E.**
- vi) Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated.
- vii) Further, pursuant to demolition order already passed in respect of this property, the Building Department –II of South Zone / MCD has also tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action taken
1.	06/05/2025	Upon availability of police force, 03 RCC roof panels have been demolished at Third floor and cut the reinforcement bars with the help of gas cutter.
2.	18/06/2025	Action could not be taken due to shortage of



		time.
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The photographs taken during the aforementioned demolition action are also annexed herewith as **Annexure – F (Colly).**

viii) Beside this, after taking the aforementioned demolition / sealing action, a letter 14/05/2025 has also been sent to concerned SHO, PS Mehrauli, New Delhi with the request to direct the area patrolling staff to keep strict vigil at the property so that the demolished portion may not be re-stored / re-constructed / repaired. Copy of the said letter is also annexed herewith as **Annexure – G.**

B. Property Adj. to H.No. 1080, Ward No. 1, Near St. John Public School, Mehrauli, New Delhi.

i. As per record, this property is already stands booked for unauthorized construction vide U/c file No. 107/UC/B-II/SZ/2025 dated 19/03/2025 in the shape of Stilt floor, Ground floor, First floor, Second floor and Third floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition order has also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide dated 07/04/2025. Copy of demolition order is annexed herewith as **Annexure – H.**



- ii. Furthermore, a letter dated 21/03/2025 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Mehrauli, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure – I.**
- iii. Besides this, a letter for disconnection of Electricity and Water supply from the aforesaid property has also been sent to the concerned authorities vide dated 21/03/2025. Copy of the said letters are annexed herewith as **Annexure – J.**
- iv. Moreover, a letter dated 21/03/2025 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – K.**
- v. Apart from this, Prosecution action u/s 466-A of DMC Act – 1957 has also been initiated in respect of the subject property and a complaint dated 18/07/2025 has been sent to DCP South District, Hauz Khas, New Delhi and a copy thereof has also been endorsed to concerned SHO PS Mehrauli, New Delhi. Copy of complaint dated 18/07/2025 is also annexed herewith as **Annexure – L.**



vi. Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated.

vii. Further, Pursuant to demolition order already passed in respect of this property, the Building Department –II of South Zone / MCD has also tried / taken / carried out the necessary demolition / sealing action as per details given herein below:

S.No.	Date of Action	Action taken
1.	06/05/2025	Upon availability of police force, 03 RCC roof panels have been demolished and cut the reinforcement bars with the help of gas cutter.
2.	18/06/2025	Action could not be taken due to shortage of time.

The photographs taken during the aforementioned demolition are also annexed herewith as **Annexure –M.**

vii) Beside this, after taking the aforementioned demolition / sealing action, a letter dated 14/05/2025 has also been sent to concerned SHO, PS Mehrauli, New Delhi with the request to direct



the area patrolling staff to keep strict vigil at the property so that the demolished portion may not be re-stored / re-constructed / repaired. Copy of the said letter is also annexed herewith as **Annexure – N.**

4. That so as to take further necessary action in respect of the subject referred properties, the department has now fixed further demolition / sealing action programme for 14/08/2025 which will be taken / carried out, upon availability of police force.

3. Perusal of the aforesaid Status Report shows that the MCD has identified two properties, wherein, unauthorized construction was being carried out near St. John Public School and against which, partial action already stands taken by the MCD.

4. Accordingly, MCD is enjoined upon to take further necessary action in accordance with law.

5. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 18, 2025

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