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

+ W.P.(C) 5676/2025

UMESH SHARMA

.....Petitioner

Through: Mr. Rishi Sood and Mr. Jaypreet Singh, Mr. Gurjot Singh, Mr. Praful Singh, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Sangita Malhotra, SPC for R-1/IOI
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.10.2025

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1. The present petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD"), to take action against the unauthorized construction and commercial activity being carried out by respondent nos. 3 and 4 in residential property being *House no. B-52 and B-53, Shivalik, Malviya Nagar, New Delhi.*



2. A Status Report dated 22nd August, 2025, has been filed on behalf of MCD, relevant portion of which, reads as under:

3. That so as to ascertain the status of the subject properties i.e. bearing No. B-52 and B-53, Shivalik, Malviya Nagar, New Delhi – 110017, the same have been got inspected through area field staff of Building Department –I of South Zone – MCD and also referred to the record maintained and available with the department.

4. That on inspection and referring to the record, the status of the actions as initiated / taken in respect of subject properties are given herein below property wise:

A. Property No. B-52, Shivalik, Malviya Nagar, New Delhi.

- i. The Ground floor of this property is being used for commercial purpose as “*Kavya Herbals*”, whereas, First floor of the same is being used as a “*Play – School*” at the instance of owner / occupier in total violation of permissible / sanctioned use of the said property and also against the Master Plan – 2021 / Zonal Plan / Sanctioned Plan and amounts to misuse of premises under reference. On noticing the same, a Notice u/s 345-A of DMC Act – 1957 vide bearing No. D/220/DC/Bldg/SZ/2025 dated 02/05/2025 was issued to the owner / occupier /





noticee with the directions to stop the misuse and bring the premises within the permitted use as per Master Plan – 2021 within 48 Hours and also file an affidavit in the prescribed format in terms of notice. Copy of Notice is annexed herewith as **Annexure –A.**

ii. Further, in response to the aforesaid Notice, a reply dated 15/05/2025, from one Ms. Medha Mittal Gupta, has been received. However, on considering and examining the same, the contentions as taken by the noticee were not found sustainable and accordingly, the Competent Authority i.e. Deputy Commissioner of South Zone – MCD has passed the necessary Sealing Order in respect of this property vide dated 12/06/2025. The said sealing order has also been communicated to the owner / occupier of Ground floor and First floor of this property. Copy of the aforesaid sealing order is also annexed herewith as **Annexure –B.**

iii. Pursuant to the aforesaid Sealing order, on 14/08/2025, during the sealing action programme, misuse activity at Ground floor and First floor have been found stopped and residentially occupied. Hence, considering the same, sealing action not taken.

iv. Beside this, a letter dated 19/08/2025 regarding deposit of the penalty for the area under misuse

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has also been sent to the owner / occupier vide letter bearing No. D/884/EE(Bldg)-I/SZ/2025 dated 19/08/2025. Copy of the said letter is annexed herewith as **Annexure –C.**

B. Property No. B-53, Shivalik, Malviya Nagar, New Delhi.

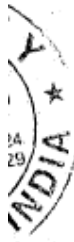
- i. The Basement of this property is being used for commercial purpose as “*Mech Engineers / Office Activity*”, whereas, Ground floor to Third floor of the same are being used as a “*Guest House / Hotel in the name and style of M&M Residency*” at the instance of owner / occupier in total violation of permissible / sanctioned use of the said property and also against the Master Plan – 2021 / Zonal Plan / Sanctioned Plan and amounts to misuse of premises under reference. On noticing the same, a Notice u/s 345-A of DMC Act – 1957 vide bearing No. D/211/DC/Bldg/SZ/2025 dated 02/05/2025 was issued to the owner / occupier / noticee with the directions to stop the misuse and bring the premises within the permitted use as per Master Plan – 2021 within 48 Hours and also file an affidavit in the prescribed format in terms of notice. Copy of Notice is annexed herewith as **Annexure –D.**
- ii. Further, it is submitted that neither any reply to the aforesaid Notice was received nor the



aforesaid activity were stopped by the owner / occupier / noticee. Considering the same, the Competent Authority i.e. Deputy Commissioner of South Zone – MCD has passed the necessary Sealing Order in respect of this property also vide dated 12/06/2025 which has been duly communicated to the owner / occupier. Copy of the aforesaid sealing order is annexed herewith as **Annexure –E.**

iii. Moreover, pursuant to the aforesaid sealing order as passed in respect of the subject property, the Building Department –I of South Zone – MCD has taken / carried out the necessary sealing action on 14/08/2025 and upon availability of police force, sealed 03 points at Third floor, 03 points at Second floor, 03 points at First floor and 01 point at Basement. Misuse at Ground floor has been found stopped and occupied for residential use. Photographs taken during the aforesaid sealing action are annexed herewith as **Annexure –F (Colly).**

iv. After taking the aforesaid sealing action, a letter dated 20/08/2025 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the seals affixed by the





department may not be tampered with. Copy of the said letter is also annexed herewith as

Annexure –G.

- v. Beside this, a letter dated 19/08/2025 regarding deposit of the penalty for the area under misuse has also been sent to the owner / occupier vide letter bearing No. D/885/EE(Bldg)-I/SZ/2025 dated 19/08/2025. Copy of the said letter is also annexed herewith as **Annexure –H.**

3. Perusal of the aforesaid Status Report shows that as regards property no. *B-52, Shivalik, Malviya Nagar New Delhi*, a sealing order was passed. However, since the misuse activity in the property in question was found to have been stopped, no further action has been taken.
4. Further, it is seen that as far as property no. *B-53, Shivalik, Malviya Nagar, New Delhi* is concerned, the MCD has undertaken sealing action on 14th August, 2025.
5. Accordingly, it is seen that the requisite action has already been taken by the MCD.
6. Noting the aforesaid, the present writ petition is disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/ak