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

+ W.P.(C) 10832/2022

MAKISUDDIN

.....Petitioner

Through: Mr. Aditya Gaur & Mr. Krishan
Bhardwaj, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Tushar Sannu, SC-MCD with Mr.
Shivam, Advocate (M:9911991166)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

02.05.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to demolish the illegal and unauthorized construction carried out by respondent no. 4, at property bearing no. 39, *Daryacha Building, Hauz Khas Village, New Delhi*.
2. An earlier Status Report dated 16th September, 2022, had been filed on behalf of Station House Officer ("SHO"), Safdarjung Enclave.
3. Today, Mr. Tushar Sannu, learned counsel for the respondent/Municipal Corporation of Delhi ("MCD") has handed over a copy of the Action Taken Report dated 01st May, 2025 on behalf of the MCD, which is stated to have been filed before this Court, and is taken on record.



4. As per the aforesaid Status Report filed on behalf of the MCD, the MCD has taken action in the property in question, in the following manner:

“xxx xxx xxx

*3. That pursuant to demolition order already stands passed in respect of the subject property i.e. bearing No. 39, Hauz Khas Village, New Delhi, the Building Department-I of South Zone/MCD has taken/ carried out further necessary demolition action on 30/04/2025. During the course of action, upon availability of police force, 01 RCC panel has been demolished and reinforcement bars cut-down with the help of gas cutter at the roof slab of Fifth floor. Photographs taken during the aforesaid demolition action are annexed herewith as **Annexure – A (Colly).***

*4. That simultaneously, after taking aforesaid demolition action a letter dated 30/04/2025 has been sent to SHO concerned, PS Safdarjung Enclave, 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 repaired/ re-constructed. Copy of the letter as sent is also annexed herewith as **Annexure – B.***

5. That further action against the subject property will be taken/ carried out during the monthly demolition schedule of the area in question, upon availability of police force.

xxx xxx xxx”

5. Along with the Status Report, MCD has also filed certain photographs showcasing the demolition action undertaken by the MCD, in the property in question.
6. Further, a letter dated 30th April, 2025 has also been issued to the SHO, Police Station, Safdarjung Enclave, to keep watch and ward on the property in question.
7. At this stage, learned counsel for the petitioner submits that the respondents have still not taken any action for removal of the unauthorized installed windows facing towards the property of the petitioner.
8. Responding to the same, learned counsel for the MCD submits that all



the requisite action shall be taken.

9. Considering the aforesaid, it is directed that the MCD shall take further action against the unauthorized construction that may still be remaining in the property in question. It is expected that MCD shall take requisite action expeditiously.

10. The matter is also referred to the Special Task Force (“STF”) constituted by the Supreme Court, to ensure that all the requisite action is taken by the MCD, in accordance with law.

11. Action taken by the MCD, shall also be updated, on the website of the STF.

12. It is further directed that in case the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner shall be at liberty to approach the 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***.

13. Accordingly, in view of the aforesaid, the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 2, 2025

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