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

+ **W.P.(C) 5923/2025**

SANTOSH

.....Petitioner

Through: Mr. Kamal Kishore, Advocate
Mob: 9555894039
Email: Upadhyaykamalkishore@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr. Manish Srivastava and Ms. Shivani Gera, Advocates for respondent no. 2

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
16.10.2025**

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1. The present writ petition has been filed seeking directions to respondent no. 1 to take action against the property bearing *Khasra No. 667, measuring 270 sq. yards*, situated in extended *Lal Dora Abadi of Alipur Village, Delhi – 110036*, wherein, unauthorized construction is being carried out by respondent no. 2.
2. A Status Report has been filed on behalf of the respondent no. 1- Municipal Corporation of Delhi (“MCD”), relevant portions of which, read as under:



“xxx xxx xxx

3. That in this regard, it is submitted that the property bearing no. *Khayra No. 667, measuring 270 sq. yards, situated in extended Lal Dora Abadi of Alipur Village, Delhi – 110036* was booked for unauthorized construction in the shape of entire ground floor & first floor vide u/c file no. 70/UC/B/N/2025 Dated 02/05/2025 and whereas a show cause notice No. 19344 dated 02.05.2025 was issued under Section 343 & 344 (1) of DMC Act to owner/occupier asking the latter to explain the reason as to why order of demolition as required under Section 343 of DMC Act should not be passed in respect of the construction already carried out by owner/occupier within 15 days from the receipt of the said notice. The copy of the Show Cause Notice dated 02.05.2025 is attached and marked as **ANNEXURE - A**.
4. That a reply dated 15/05/2025 was received from the owner/occupier, however, the same was not found satisfactory and as the construction on the plot has been carried out without any sanctioned building plan. Accordingly, a Demolition order dated 27/05/2025 was passed by the Respondent No. 1. The copy of the Demolition order U/s 343 of DMC Act, 1957 dated 27/05/2025 is attached and marked as **ANNEXURE - B**.
5. That since Respondent No. 2 failed to take steps for comply with the said demolition order, the failure report dated 04.06.2025 was issued to undertake demolition as per the demolition notice. The copy of the Demolition Order dated 04.06.2025 is attached and marked as **ANNEXURE - C**.
6. That vacation notice under Section 349 of DMC Act has also been issued to the owner/occupier vide letter No. AE/B/NRZ/2025/D-33 Dated 05/08/2025. The copy of the Vacation Notice under Section 349 of DMC Act is attached and marked as **ANNEXURE - D**.
7. That the programme for demolition of the unauthorized construction has been fixed for 25/08/2025 subject to the availability of Police force.
8. That the deponent shall be bound to comply with any orders/ directions passed by this Hon'ble Court.

3. Perusal of the aforesaid Status Report shows that action has already



been initiated by the MCD against the unauthorized construction in the property in question.

4. Accordingly, MCD is held bound to take requisite action against the unauthorized construction in the property in question.

5. In case, any of the parties is aggrieved by any action or non-action on the part of the MCD, their right to seek remedies in accordance with law is reserved.

6. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

OCTOBER 16, 2025

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