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

+ W.P.(C) 5946/2025, CM APPL. 27095/2025 & CM APPL.
27096/2025

SH UTTAM SINGH

.....Petitioner

Through: Mr. Vikas Sood and Mr. Harsh
Vikram Trivedi, Advs. (Through VC)

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Mr. Rakesh Malhotra, Mr. Bharat
Malhotra and Ms. Smritika Kesri,
Avds. For MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.10.2025

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1. The present petition has been filed seeking directions to respondent no. 1, to take action against the unauthorized construction being carried out by respondent no.3 on the third floor along with terrace at property bearing No. B-1/418, B-Block, Janakpuri, New Delhi-110058.

2. A Status Report dated 08th August, 2025, has been filed on behalf of Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:



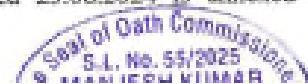
4. That as per record maintained by the answering respondent No. 1/MCD i.e. Building Department-I, West Zone, the property bearing No. B-1/418, B-1 Block, Janakpuri, New Delhi was booked for unauthorized construction vide File No. EE(B)-I/WZ/UC/2024/125 dated 26.03.2024 in the shape of deviation /excess coverage against Sanctioned Building Plan No. 10015983 dated 27.08.2013 at Basement, Stilt, Ground Floor, First Floor, Second Floor, Third Floor and unauthorized construction at terrace in the shape of three permanent rooms and one temporary room made up of Glass and Aluminum Panel and extra coverage at basement against SBP i.e. construction of additional stair case in the basement in the front side of building and also digging of basement against SBP. Consequently, a show cause notice was issued to Owners/builders on 26.03.2024 and same was served on 27.03.2024 by mode of pasting at said property as well as through Indian Speed Post on 01.04.2024. Copy of show cause notice dated 26.03.2024 is annexed herewith as **Annexure-'A'**.

5. That, a work stop notice u/s 344 (2) of the DMC Act was issued to concerned SHO Police Station Janakpuri, New Delhi on 27.03.2024 with a request that the aforesaid unauthorized



construction activity be stopped by the Police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site during holidays & odd hours also. Copy of the work stop notice dated 27.03.2024 is annexed herewith as Annexure-'B'.

6. That no reply to the said show cause notice was received from the owner/builder within stipulated period. Thereafter, following due process of law under DMC Act a Demolition Order under Section 343 of DMC Act, 1957 was passed on 03.04.2024 and issued to Owner/Builder on 03.04.2024 with direction to demolish the above mentioned unauthorized construction within 06 days from the date of receipt of demolition order. The said demolition order was served through pasting on 09.04.2024 and served through Indian Speed Post on 09.04.2024. Copy of the demolition order dated 03.04.2024 is annexed herewith as Annexure-'C'.
7. That further a demolition action program was fixed by the department for 11.07.2024. But on that day, action could not be taken due to the said property being residentially occupied.
8. That letters to DJB, BSES and Sub-Registrar for disconnection of water supply, electricity and not to register the property for sale and purchase respectively have also been sent vide this office letter No. D-521/EE(Bldg.)-I/WZ/2024-25/AE(B) dated 23.08.2024. Copy of the letter dated 23.08.2024 is annexed herewith as Annexure-'D'.





9. That further a demolition action program was fixed by the department for 28.08.2024. On that day during the course of action one brick wall in basement and on brick wall at Stilt Floor got demolished and one room at terrace of 3rd floor were also demolished. Photographs taken at the time of demolition action on 28.08.2024 are annexed herewith as Annexure-'E'.

10. That after the execution of demolition action on 28.08.2024 a Strict Vigil (Watch and Ward) letter has been sent to SHO Janak Puri Nagar, New Delhi vide No. D-557/EE(B)-I/WZ/2024/AE(B) dated 04.09.2024 with a request to keep strict watch and ward over the said demolished property so that no fresh construction is done by the owner / occupier. Copy of the letter dated 04.09.2024 is annexed herewith as Annexure-'F'.

11. That another demolition action program was fixed by the department for 08.05.2025. On that day, during the course of action, two permanent rooms were demolished, removing iron frame and making holes in the walls' roof panels. Additionally, one temporary porta cabin made of iron frame and aluminum sheet was also completely removed. Unauthorized construction at terrace of third floor is almost demolished / made unusable and one toilet under size 4 sq.mtr. exists which is compoundable in nature. Photographs taken at the time of demolition action on 08.05.2025 are annexed herewith as Annexure-'G'.

12. That after the execution of demolition action on 08.05.2025 a Strict Vigil (Watch and Ward) letter has been sent to SHO Janak Puri Nagar, New Delhi vide No. D-115/EE(B)-I/WZ/2025/AE(B)





dated 09.05.2025 with a request to keep strict watch and ward over the said demolished property so that no fresh construction is done by the owner / occupier. Copy of the letter dated 09.05.2025 is annexed herewith as Annexure-'H'.

13. That further action under section 345A of the DMC Act has been initiated and issued a sealing show cause notice u/s 345A of the DMC Act was issued to the Owner/builder on 07.08.2025. Copy of the sealing show cause notice dated 07.08.2025 is annexed herewith as Annexure-'I'.

14. That further action, shall be taken by the Deptt., as per the provisions of DMC Act and in accordance with law, in due course of time.

3. Perusal of the aforesaid Status Report shows that part demolition action has already been taken by the MCD on 28th August, 2024 and 08th May, 2025.

4. Accordingly, it is directed that in case there is further unauthorized construction existing in the property in question, action shall be taken against the same, in accordance with law.

5. It is further directed that no unauthorized construction shall be allowed to take place in the property in question.

6. In case any party 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.

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

MINI PUSHKARNA, J

OCTOBER 28, 2025/KR