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

+ W.P.(C) 5980/2025 & CM APPL. 40013/2025

ASHOK KUMAR KAMBOJ

.....Petitioner

Through: Mr. Anshul Jain, Adv. (Through VC)
Mob: 9899998243
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versus

MCD THOROUGH COMMISSIONER & ORS.

.....Respondents

Through: Mr. Bharat Malhotra, Adv. for R-
MCD (Through VC)
Mr. Manish Kumar, Sr. Panel
Counsel for R-4 (Through VC)
Mob: 9873950114
Email: attorney.manish@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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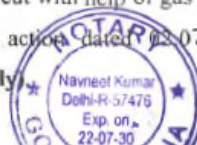
22.09.2025

1. The present writ petition has been filed seeking directions to respondent nos. 1 to 4, to demolish the unauthorized construction, being carried out by respondent no. 5, at the property bearing No. E-16, Kamla Nagar, Delhi.
2. A Status Report dated 13th August, 2025, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:



“xxx xxx xxx

4. That at the outset, it is submitted that Property Bearing E-16, Kamla Nagar, Delhi (concerned property) was inspected on 05.03.2025 by concerned official of answering respondent and unauthorized construction in the shape of entire Second and Third Floor and construction of the terrace of the third floor (partly) and projections over government land in rear and front side at Second and Third floor was found and accordingly show cause notice under section 343 and 344(1) DMC Act, 1957 was issued.
5. Thereafter a reply dated 21.03.2025, to the show-cause notice was received from the owner/occupier, which was duly examined by the concerned officials of answering respondent and after following due process of law, order of demolition under section 343 of DMC Act was passed on 23.04.2025 and the same was issued to owner/occupier/builder of third floor of the property in question through speed post as well as pasted at site on 24.04.25. The copy of the demolition order pasted at site are annexed herewith as ANNEXURE- 'A'.
6. That since the owner/occupier/builder failed to comply with the instruction contained in demolition order dated 23.04.2025, demolition action program was fixed for 11.06.2025 wherein demolition action was taken with the help of police force, P.S. Roop Nagar. During the demolition action one panel of RCC on terrace on third floor was demolished and reinforcement was cut with the help of gas cutter. The copy of photographs showing demolition action dated 11.06.2025 is annexed herewith as ANNEXURE- 'B' (Colly).
7. That further demolition action was fixed for 02.07.2025 and during the demolition action two panels of RCC of terrace of third floor was demolished and reinforcement was cut with help of gas cutter. The copy of photographs showing demolition action dated 02.07.2025 is annexed herewith as ANNEXURE- 'C' (Colly).





8. That in addition to the demolition action taken over the subject property a show cause notice dated 09.06.2025 u/s 345A of DMC Act has been issued to the owner/occupier to seal the unauthorized construction over the subject property. Thereafter a reply dated 20.06.2025 to the show cause notice issued was received on 30.06.2025 wherein he requested for personal hearing. Accordingly, in the interest of natural justice, personal hearing was given fixed for 07.08.2025.
9. That further action in the matter will be taken after concluding personal hearing in pursuant to show cause notice dated 09.06.2025 u/s 345A of DMC Act as per law.

xxx xxx xxx”

3. Perusal of the aforesaid Status Report shows that Demolition Order dated 23rd April, 2025, was passed with respect to the unauthorized construction existing in the property in question. Further, demolition action has been taken by the MCD on 11th June, 2025 and 02nd July, 2025.
4. Subsequently, a Show Cause Notice under Section 345A of the Delhi Municipal Corporation Act, 1957 (“DMC Act”) dated 09th June, 2025, was also issued for sealing of the property in question.
5. Learned counsel appearing for the respondent-MCD submits that detailed hearing subsequent to the Show Cause Notice for sealing has been concluded and an order shall be passed pursuant thereto. He submits that further action shall be taken, in accordance with law.
6. Accordingly, binding the MCD to take requisite action against the unauthorized construction in the property, this Court is of the view that no further orders are required to be passed by this Court.
7. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner has the liberty to approach the Special Task Force



(“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., and other connected matters*** in ***W.P.(C) 1807/2018***, and ***Fazruddin Versus DDA and Ors.***, in ***W.P.(C) 4649/2017***.

8. In case, the owner/occupier of the property in question is aggrieved by any action of the MCD, his right to seek remedies in accordance with law, is reserved.

9. Accordingly, with the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025/SK