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

+ W.P.(C) 6174/2025 & CM APPL. 28159/2025, CM APPL. 66812/2025

MS ANUJEET KAUR & ORS.Petitioners

Through: Mr. Tarun, Advocate

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Ms. Sanya Bhatia, Adv for
Respondent No. 2/MCD

(M: 9811611460)

Ms. Anju Gupta, Mr. Bhuvan Goel,
Advocates for UOI

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **15.12.2025**

1. The present writ petition has been filed seeking directions to respondent no. 2 to take action against respondent nos. 3 to 5, for carrying out unauthorized and illegal construction, structural alterations, removal of load bearing walls, etc. in the property bearing Nos. WZ-6 & 7, Plot No. 18, Raja Garden, New Delhi, 32, Raja Garden, New Delhi and the property bearing No. H-23, Bali Nagar, New Delhi.

2. Learned counsel for respondent nos. 3 and 4, has filed an application being CM APPL. 66812/2025, wherein, he had submitted that the petitioners were tenants of respondent no. 4, in respect of Shop No. 2 comprised in the property bearing No. WZ-6 & 7, Plot No. 18, Raja Garden, New Delhi.

3. He submits that the petitioners have no locus to file the writ petition against three different properties, owned by respondent nos. 3 and 4.



4. He further submits that pursuant to the eviction order dated 15th February, 2025 passed by Addl. Rent Controller, Tis Hazari Courts in RC ARC 75/2019, possession of the shop in question has already been taken by respondent nos. 3 and 4 from the petitioners on 20th November, 2025, through a Bailiff.

5. A Status Report dated 29th August, 2025 has been filed on behalf of the Municipal Corporation of Delhi (“MCD”), wherein, it is stated as follows:

“xxx xxx xxx

4. The case under reference is pertaining to unauthorized construction carried out at Property bearing No. WZ-6 & 7, Plot No. 18, Raja Garden, New Delhi, H-23, Bali Nagar, New Delhi and 32, Raja Garden, New Delhi.

5. That, as per record maintained in the department, following action u/s 343 & 344 of the DMC Act has been initiated against the property mentioned below –

1. P.No. WZ-6 & 7 (Plot No. 18), Raja Garden, New Delhi

The aforesaid property has been regularized by the department under the self-assessment regularization scheme for Ground Floor, First Floor, Second Floor and Third Floor after depositing the necessary compounding/regularization charges of Rs. 11,44,600/- on 05.07.2024. However, at present some deviations against regularization plan has been noticed in front set back and one room with extended slab in part terrace floor has been found and same has been booked u/s 343 & 344 of the DMC Act and a show cause notice has been issued to the Sh. Maninderjit Singh Sethi/Owner u/s 344(1) & 343 of the DMC Act. Simultaneously, the owner /builder was also given an opportunity to avail personal hearing in the matter for 26.08.2025 in compliance of Hon'ble Hon'ble Supreme Court in case In Re: Directions in





the matter of demolition of structures, WPC No. 295/2022 dated 13.11.2024.

However, before the scheduled DOH on 26.08.2025, a reply in respect of aforesaid show cause notice was received in the department on 25.08.2025 whereby, it was submitted that he intend to attend the hearing . But he is not available on the scheduled DOH i.e. 26.08.2025 as he is out of station. Therefore, the hearing in the matter may be deferred for one week. In the interest of natural justice, his request was considered and the NDOH was fixed for 08.09.2025. Copy of the show cause notice dated 20.08.2025 is annexed herewith as **Annexure-‘A’**.

2. P.No. 32, Raja Garden, New Delhi

The aforesaid property has been inspected today by the Jr. Engineer (Bldg.) concerned and it has been found that the owner has was constructed outer wall of 5 to 6 feet height and install a shutter at front to protect to his property. Further, the owner has orally submitted to JE that he will not carry out any construction without obtaining permission from MCD. At present no construction activity is going on at the said property.

3. P.No. H-23, Bali Nagar, New Delhi

The property has been inspected by the Jr. Engineer (Bldg.) concerned and it was found that the property is consisting of Ground Floor to Third Floor and one small





store room, one bathroom, one small kitchen at the terrace of Third Floor. The said property is shop cum residential property where the owner can use Ground Floor for commercial purpose. At present on Ground Floor two number of shops are existing and First Floor to Third Floor are being used for residential purpose. During the inspection of the said property the care taker of said property has provided electricity bill of First Floor, Second Floor and Third Floor in which date of energisation of First Floor is mentioned as 05.12.1972 and for Second Floor it is mentioned as 11.05.2004 and for Third Floor it is mentioned as for 24.06.2017. However, the care taker/ persona available at site could not produced the sanction building plan from which it can be ascertained how many floors are sanctioned or not. However, there are one small store room, one bathroom, one small kitchen are also existing at the terrace of Third Floor in which kitchen, store room are non compoundable in nature. Therefore, the property has been booked u/s 343 & 344 of the DMC Act and a show cause notice has been issued to the Sh. Maninderjit Singh Sethi/Owner u/s 344(1) & 343 of the DMC Act. Further, in the interest of natural justice the owner /builder was also given an opportunity to avail personal hearing in the matter for 08.09.2025 to put his facts and substantial evidence before the department in compliance of Hon'ble Hon'ble Supreme Court in case In Re: Directions in the matter of demolition of structures, WPC No. 295/2022 dated 13.11.2024. Copy of the show cause notice dated 29.08.2025 is annexed herewith as **Annexure-'B'**.

6. That further action shall be taken by the department as per the provisions of DMC Act and in accordance with law.

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6. Accordingly, the MCD is enjoined upon to take action, in accordance with law, against the existing deviations in the property in question.
7. This Court takes note of the fact that the present writ petition has been filed by the tenants after the eviction order has been passed against them.
8. Thus, it is apparent that the present writ petition has been filed as a vengeance against the landlord. Further, this Court also takes note of the fact that one of property, i.e., Property No. WZ-6&7 (Plot No. 18), Raja Garden, New Delhi, already stood regularized way back on 05th July, 2024.
9. Accordingly, it is clear that the process of this Court has been misused for personal vendetta, which cannot be allowed.
10. Accordingly, cost of Rs. 20,000/- is imposed upon the petitioners, payable to the following:

*“D.H.C. B.A. Costs Account,
A/c. No. 15530110179338
Bank Name: UCO Bank
Branch Address: Delhi High Court
IFSC: UCBA0001553”*

11. Let the aforesaid amount be deposited by the petitioners jointly and severally, within a period of four weeks from today.
12. With the aforesaid directions, the present writ petition, along with pending applications, is accordingly, disposed of.
13. List before the Registrar for compliance regarding payment of costs by the petitioners on 19th January, 2026.

MINI PUSHKARNA, J

DECEMBER 15, 2025/au