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

+ **W.P.(C) 6566/2025 & CM APPL. 29775/2025**

**MARAZBAN NARIMAN ZAIWALLA** .....Petitioner

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versus

**SPECIAL TASK FORCE DDA AND ORS.** .....Respondents

Through: Ms. Saroj Bidwat, SC for MCD  
(through VC)  
Mr. T. P. Singh, Sr. Central Govt.  
Counsel for R-3.  
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with Mr. Harshpreet Singh Chadha,  
Mr. Hridyesh Khanna, Mr. Bhavishya  
Mukhija, Advocates for DDA  
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**CORAM:**

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

**ORDER**

**23.05.2025**

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1. The present writ petition has been filed seeking directions to the respondents to take action against the encroachment and unauthorised



construction carried out by the respondent no. 4, in the property bearing *Flat No. F-16C, F Block, Saket, New Delhi – 110017*.

2. Learned counsel appearing for respondent no. 2-Municipal Corporation of Delhi (“MCD”), on advance notice, submits that after the receipt of the present writ petition, the property has been inspected by the MCD.

3. She submits that an action against the unauthorised construction was taken in the year 2024, and that the status of the property in question, remains the same. She further submits that there is no ongoing construction in the property in question.

4. Learned counsel appearing for respondent no. 4 draws the attention of this Court to *Annexure P-4*, i.e., the order dated 4<sup>th</sup> November, 2024, passed by this Court in *W.P.(C) 8498/2023*, titled as “*Marazban Nariman Zaiwalla Versus Municipal Corporation of Delhi & Ors.*”.

5. By referring to the aforesaid order, it is submitted that for the same cause of action, an earlier writ petition had been filed, which was disposed of by the aforesaid order.

6. He further submits that no further construction has been made by the respondent no. 4.

7. In response to the aforesaid, learned counsel appearing for the petitioner submits that the unauthorised construction was not removed completely by the MCD during the previous round of litigation. He submits that he had been granted liberty to approach the Special Task Force (“STF”), however, despite the complaint filed before the STF, no further action has been taken.

8. Having heard learned counsels for the parties, this Court notes that



vide order dated 4<sup>th</sup> November, 2024, in W.P.(C) 8498/2023, this Court had passed the orders in the following manner:

“1. The petitioner has filed this petition, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property Flat No. F-16C, F Block, Saket, New Delhi-110017 [“subject property”].

2. The status report dated 03.10.2023, filed by Municipal Corporation of Delhi [“MCD”], states that deviation against the standard plan of Delhi Development Authority was found in the subject property, and a demolition order was passed on 26.09.2023. A further status report dated 10.08.2024 states that demolition action has also been taken on 09.08.2024.

3. In view of the above, no further orders are required in this petition, which stands disposed of.

4. Mr. Ranbir Singh, learned counsel for the petitioner, states that the petitioner remains aggrieved by certain additional unauthorized construction in the subject property, which has not yet been demolished, for which purpose he will approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. The petitioner is at liberty to do so, if he is so advised. In the event, a complaint is made within the period of two weeks from today, STF is directed to look into the complaint and take necessary action expeditiously. This direction is made with reference to the decisions of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018], Snehlata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245/2019], Fazruddin vs. DDA & Ors. [order dated 23.04.2019 in WP (C) 4649/2017], and in Himanshu vs. East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in Abdul Gaffar vs South Delhi Municipal Corporation & Ors. [order dated 28.02.2019 in W.P.(C) 1773/2019] and Rashiduddin Malik vs. MCD & Ors. [order dated 02.09.2024 in WP (C) 12102/2024].

5. This order is without prejudice to the rights and contentions of the owners/occupants of the subject property, whose rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

6. The writ petition, alongwith the pending application, is disposed of with the aforesaid directions.”

(Emphasis Supplied)



9. Perusal of the aforesaid order clearly shows that this Court, while disposing of the earlier writ petition, has taken note of the Status Report filed on behalf of the MCD, wherein, it is noted that the deviations against the standard plan of the Delhi Development Authority (“DDA”), which were found in the property in question, were duly removed during the course of demolition action.

10. A copy of the Status Report filed by the MCD in the previous litigation has been handed over to this Court, which is reproduced as under:

*“1. That I am presently working as Executive Engineer (Bldg)-II /South Zone, Green Park, MCD and is fully conversant with the facts of the case on the basis of the record maintained and made available in this regard and as such am competent to depose and swear the present affidavit on behalf of respondent, MCD.*

*2. That the instant status report / affidavit is being filed in furtherance to earlier status report already filed in the matter.*

*3. **That pursuant to demolition order already stands passed in respect of the subject property i.e. bearing No. F-16, C- Block, Saket, New Delhi the Building Department-II of South Zone - MCD has undertaken the necessary demolition action on 09/08/2024 and the during the course of action, upon availability of police force, demolished /removed the alleged / booked deviations completely.** The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure- A (Colly)**.*

*4. That after taking the aforesaid demolition action, a letter dated 09/08/2024 has also been sent to concerned, SHO PS Saket, 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 restored /repaired. Copy of the said letter is annexed herewith as **Annexure-B.**”*

*(Emphasis Supplied)*

11. Perusal of the aforesaid Status Report on behalf of MCD, shows that it is the clear stand of the MCD that the deviations existing in the property in question, were removed completely.



12. Accordingly, considering the aforesaid stand of the MCD, no further orders are required to be passed by this Court.

13. However, liberty is granted to the STF, to inspect the property in question to ensure that further deviations have not been carried in the property in question.

14. In case, any further deviations are noticed after the last action taken by the MCD, requisite action shall be taken, in accordance with law.

15. Noting the aforesaid, the present petition, along with the pending application, stands disposed of.

**MINI PUSHKARNA, J**

**MAY 23, 2025**

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