



\$~43

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

+ W.P.(C) 6536/2025 & CM APPL. 29725/2025

SHAMA PARVEEN

.....Petitioner

Through: Mr. Naushad Ahmed Khan, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Gyanendra Kumar, Advocate for
MCD

Mob: 9560505601

Mr. Shubham Sharma, Advocate for
R-5

Mr. Tanveer Ahmed Ansari, SPC for
Respondent no. 6

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

03.09.2025

1. The present writ petition has been filed praying for directions to take action against the illegal and unauthorized construction being carried out by respondent nos. 2 to 5 on the fourth, fifth and sixth floor of the property in question, i.e., *F-47, Street No. 10, West Jawahar Park, Laxmi Nagar, Shakarpur Baramad, East Delhi, Delhi – 110092.*
2. Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:



3. That, the property has been inspected by Junior Engineer (Building) and it has been noticed that the property consists of Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor & a room on Fifth Floor with projection on municipal land without any valid permission from the department. However, it was also found that the property is residentially occupied and no new construction has been noticed at site and the property appears to be old. Photographs taken during the inspection on 13.05.2025 are annexed as **Annexure R – 1 (Colly)**.
4. That, from the record, it has been revealed that unauthorized construction in shape of room at Fifth Floor (Ground Floor to Fourth Floor old & occupied) has been booked by the department vide file No. 469/B/UC/SS/2019 dated 16.07.2019. The department has also taken demolition action on 06.09.2019, wherein one RCC panel was demolished at Top Floor and reinforcement cut with the help of Gas cutter in presence of Police force from PS - Laxmi Nagar, Delhi. Copy of Demolition Order dated 13.08.2019 is annexed as **Annexure – 2**.
5. That, it is further submitted that demolition action was taken at the property on 17.06.2025, in which RCC panel has been cut at fifth floor of the premises with the help of gas cutter and shed structure removed completely in the presence of police force from police station – Laxmi Nagar, Delhi. The department has further proposed the action on 15.07.2025 & 29.07.2025 but could not be executed on account of shortage of time. Photographs taken during the action on 17.06.2025 are annexed as **Annexure R – 3 (Colly)**.



6. That, it is submitted that the department again taken demolition action on 21.08.2025 wherein remaining outer external wall of temporary shed structure at fifth floor of the premises has been removed in the presence of police force from police station – Laxmi Nagar, Delhi. Photograph taken during the action on 21.08.2025 is annexed as **Annexure R – 4**.

3. Perusal of the aforesaid Status Report shows that it is the stand of the MCD that unauthorized construction in the shape of one room at fifth floor was booked by the department. Further, ground floor to fourth floor, are stated to be old and occupied.

4. The MCD has already taken action against the unauthorized construction in the property in question.

5. *Per contra*, learned counsel for the petitioner submits that other floors are also unauthorized.

6. If that be the case, this Court notes the stand of the MCD that ground floor to fourth floor, are old and occupied.

7. The questions raised before this Court by the petitioner would require trial.

8. This Court cannot go into the disputed questions of facts. Thus, in case there is unauthorized construction existing in other portions of the building, the petitioner is at liberty to seek civil remedies in order to seek further directions in this regard.

9. Needless to state that MCD shall ensure that no further unauthorized construction is carried out in the property in question.



10. Noting the aforesaid, the present writ petition, along with pending application, is disposed of.

SEPTEMBER 3, 2025/au

MINI PUSHKARNA, J