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

+ W.P.(C) 6716/2025 & CM APPL. 30434/2025

BEENA

.....Petitioner

Through: Mr. Sanyam Jain, Adv.
Mob: 9910347339
Email: mnglawoffice@gmail.com

versus

MCD & ORS.

.....Respondents

Through: Mr. Aman Gupta, Mr. Anoop and Mr.
Manu Sharma, Advs. For MCD
Mob: 9711822767
Email: abhishek.aslegal@gmail.com
SI Rohitash Yadav, PS Neb Sarai

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
22.09.2025

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1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2 for removal of the illegal and unauthorised construction in the property bearing *Khasra nos. 166, 167, 176, 177, Village Neb Sarai, Ignou Road, New Delhi-110068*.

2. A Status Report dated 02nd September, 2025, has been filed on behalf of Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx

3. That so as to ascertain the status of the subject property i.e. bearing Khasra No. 166, 127, 176, 177, Village Neb Sarai, IGNOU Road, New Delhi,



the same has been ~~got~~ inspected through area field staff of Building Department-II of South Zone / answering Respondent / MCD and also referred to the record maintained and available with the department.

4. That on inspection and referring to the record, the area field staff of Building Department –II of South Zone – MCD has identified this property as Opp. Gate No. 3, Main IGNOU Road, Neb Sarai, New Delhi and the details of action initiated / taken by the department is as under:-

- i) As per record, the subject property is already stands booked vide U/c file No. 138//UC/B-II/SZ/2024 dated 26/04/2024 in the shape of Basement & Ground floor, Vide File No. 195/UC/B-II/SZ/2024 dated 04/06/2024 in the shape of First floor, Second floor & Third floor (in continuation of booking No. 138/UC/B-II/SZ/2024 dated 26/04/2024 and also further booked vide U/c File No. 241/UC/B-II/SZ/2024 dated 24/06/2024 in the shape of Fourth floor (in continuation of previous Booking No. 195/UC/B-II/SZ/2024 dated 04/06/2024, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition orders also stands passed by the Competent Authority i.e. the then AE (Bldg)-II of South Zone / MCD vide dated 09/05/2025, 18/06/2024 and 03/07/2024



respectively. The copy of the demolition orders are annexed herewith as **Annexure-A (Colly)**.

- ii) Furthermore, letters dated 14/05/2024, 21/06/2024 and 15/07/2024 u/s 344 (2) of the DMC Act, have also been sent to SHO, PS. Neb Sarai, New Delhi with the request that the unauthorized construction be stopped and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of the letters as sent in this regard are annexed herewith as **Annexure-B (Colly)**.
- iii) Besides this, letters dated 14/05/2024, 21/06/2024 and 15/07/2024 for disconnection of electricity and water supply from the aforesaid property have also been sent to the concerned authorities. Copy of the said letters are also annexed herewith as **Annexure-C (Colly)**.
- iv) Moreover, letters dated 14/05/2024, 21/06/2024 and 15/07/2024 have also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letters are also annexed herewith as **Annexure-D (Colly)**.
- v) Apart from this, Prosecution action u/s 466-A of DMC Act, 1957 has also been initiated against the owner / builder and a complaint



dated 04/09/2024 has been sent to SHO concerned PS Neb Sarai, New Delhi. Copy of the said complaint is also annexed herewith as **Annexure-E.**

vi) Further it is also relevant to point out that in respect of the property in question, the necessary sealing proceedings u/s 345-A of DMC Act, have also been initiated and after following due process of law, the necessary sealing orders have also been passed by the Competent Authority i.e. the then Deputy Commissioner, South Zone / MCD on 18/07/2024, 12/08/2024 and 01/10/2024 respectively. Copy of sealing orders as passed are also annexed herewith as **Annexure -F (Colly).**

5. That it is also pointed out here that pursuant to aforesaid demolition / sealing orders already passed in respect of the subject property, the Building Department-II of South Zone /MCD has tried / taken / carried out the necessary demolition / sealing action as per details given herein below:-

S.No.	Date of Action	Action taken
1.	14/06/2024	Action could not be taken due to shortage of time.
2.	04/06/2025	Upon availability of police force, 02 flats at Fourth floor have been sealed at 02 points. Rest of the property found



		occupied, as result, a Vacation Notice u/s 349 of DMC Act – 1957 has been issued to the owner / occupier and a copy thereof has also been sent to concerned, SHO PS Neb Sarai, New Delhi with the request to get the impugned property / portion vacated.
3.	24/07/2025	Upon availability of police force, 01 RCC panel at terrace of building has been demolished and steel bars cut down with the help of gas cutter. Beside this, brick wall has also been demolished.
4.	28/08/2025	Action could not be taken due to shortage of time.

The photographs taken during the aforesaid demolition / sealing action alongwith copy of Vacation Notice are also annexed herewith as **Annexure-G (Colly)**.

6. That simultaneously, after taking the aforementioned sealing action, letters dated 04/06/2025 and 01/08/2025 have also been sent to



concerned SHO PS Neb Sarai, with the request to direct the patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired and the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure-H (Colly)**.

7. That now the department has fixed the further demolition / sealing action program against the subject property for 09/09/2025 and the same will be taken / carried out, upon availability of police force.

[Signature]

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3. Reading of the aforesaid Status Report shows that the MCD has sealed two flats on the fourth floor of the subject property on 04th June, 2025. Further, part demolition action has been taken on 24th July, 2025.
4. Thus, it is seen that the MCD has already commenced its action against the property in question.
5. Accordingly, the concerned officials of the MCD as well as the Station House Officer (“SHO”), Police Station, Neb Sarai, are held bound to ensure that requisite action against the unauthorised construction existing in the property in question, is taken.
6. The MCD as well as SHO, Police Station Neb Sarai, shall ensure that no further unauthorised construction takes place in the property in question.
7. In case, any party is aggrieved by any action or non-action on behalf of the statutory authorities, they have the right to seek their remedies, in accordance with law.
8. Further, the MCD shall ensure that the electricity connection to the



subject property is also disconnected, in terms of the letters written by the MCD to the concerned electricity company.

9. Let time bound action be taken by the MCD, with the assistance of the local police, preferably, within a period of three months, from today.

10. With the aforesaid directions, the present petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025

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