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

+ **W.P.(C) 6730/2025 & CM APPL. 30578/2025, CM APPL. 30579/2025**

ABHISHEK

.....Petitioner

Through: Mr. Saroj Kumar, Mr. Ayush Singh,
Advocates (M:8507621485,
7533003317)

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Saroj Bidawat, SC-MCD
(M:9810340866)
Mr. Ram Kumar, Mr. Sushil Kumar,
Advocates for R-3/SHO-Mehrauli
(M:9711376612)
Mr. Dhruv Sharma, Mr. Uday
Sharma, Advocates for R-4
(M:8587030456)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

19.05.2025

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1. The present writ petition has been filed for issuance of writ or any other appropriate writ or directions to the respondents to stop illegal and unauthorized construction, which is going on at *property bearing House No. 1055, Ward No.8, near Aggarwal Dharamshala, Mehrauli, New Delhi.*
2. Learned counsel for the petitioner submits that respondent no. 4, owner/occupant of the property in question, is carrying out illegal and unauthorized construction at the property in question, which is located adjoining to the property of the petitioner, i.e., *House no. 92-C/2, Ward*



No.2, Gadaipur, Mehrauli, New Delhi.

3. *Per Contra*, learned counsel for respondent/Municipal Corporation of Delhi (“MCD”), on advance notice, submits that the residential address, as given in the memo of parties, purported to be that of the petitioner, is not of the petitioner, as the petitioner does not reside therein. Rather, the house is occupied by some other person.

4. It is further stated that the house of the petitioner is in village Gadaipur, which is far away from the property in question, which is subject matter of the present writ petition.

5. Thus, it is submitted that the present petition has been filed by the petitioner more as a blackmailing tactic, than as a genuine concern, regarding any unauthorized construction.

6. It is further submitted that even otherwise, MCD has already issued Show Cause Notice dated 09th May, 2025, against the unauthorized construction existing in the property and that action shall be taken, in accordance with law.

7. Learned counsel for MCD further relies upon the judgment dated 02nd September, 2021 passed in ***W.P.(C) 9470/2021, Shiv Kumar Versus South Delhi Municipal Corporation & Anr.*** and judgment dated 13th April, 2022, passed in ***W.P.(C) 6059/2022, Sudhir Gahlot Versus South Delhi Municipal Corporation & Anr.***, in order to submit that in similar circumstances, where the antecedents of the petitioner were found to be doubtful, this Court has not entertained such petitions.

8. Considering the submissions made before this Court, it is directed that since respondent/MCD has already initiated requisite action against the unauthorized construction existing in the property in question, MCD shall



carry out requisite action against unauthorized construction, after following due process of law.

9. This Court takes note of the submission made by learned counsel for the MCD that the alleged residential address of the petitioner, as given in the memo of parties, is not situated adjacent to the property, which is subject matter of the present writ petition.

10. Accordingly, MCD is directed to inspect the premises of the petitioner also, as given in the memo of parties, to ascertain the status of the said property.

11. MCD is held bound to take action against the unauthorized construction existing in the property, subject matter of the present writ petition.

12. Needless to state, the owner/occupier of the property, which is subject matter of the present writ petition, has the right to seek his remedies in accordance with law, in case he is aggrieved by any action taken by the MCD.

13. Considering the aforesaid, no further orders are required to be passed by this Court.

14. Accordingly, the present writ petition, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

MAY 19, 2025

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