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

+ W.P.(C) 6969/2025 & CM APPL. 55068/2025

UMESH YADAV

.....Petitioner

Through: Mr. Pranshu Khurana, Mr. Gagan Chawla and Ms. Harshita Sabharwal, Advs. (Through VC)

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.Respondents

Through: Ms. Shivangi Kumar and Mr. Manish Kumar, Advs. for R-1 & 2
Mr. Sahil Ahuja, Adv. for R-4
(Through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
12.09.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to take action against the unauthorized construction in the property bearing No. D-113, Ajay Enclave, Subhash Nagar, New Delhi-110018.

2. This Court notes that a Status Report dated 01st September, 2025, has been filed on behalf of Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:

"xxx xxx xxx"



4. That as per record maintained by the answering respondent No.1/MCD i.e., building department, in respect of the property bearing No. D-113(Part), Ajay Enclave, New Delhi, having Latitude: 28.637783 and Longitude: 77.104558, it is submitted that the aforesaid property has been booked for unauthorized construction vide File No. EE(B)-II/WZ/UC/2025/53 dated 23.04.2025 in the shape of Third Floor (Ground Floor, First Floor & Second Floor residentially occupied). Consequently, a Show Cause Notice under Sections 343 and 344 (1) of the DMC Act was issued to the owner/builder on 23.04.2025, directing them to submit a reply within 15 days. The said show cause notice was also served through Indian Speed Post on 29.04.2025, which was delivered on 30.04.2025. Copy of the show cause notice dated 23.04.2025 is annexed herewith as **Annexure-'A'**.

5. That, further a work stop notice u/s 344 (2) of the DMC Act was issued to concerned SHO Police Hari Nagar, New Delhi on 25.04.2025 with a request that the aforesaid

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unauthorized construction activity be stopped by the Police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site during holidays & odd hours. Copy of the work stop notice dated 25.04.2025 is annexed herewith as Annexure-'B'.

6. That the reply to aforesaid Show Cause Notice dated 23.04.2025 was received in the department from Sh. Nikhil Madan, Sh. Jatin Madaan and Smt. Pooja Sharma on 01.05.2025, whereby, they have mentioned that they are joint co-owners of the aforesaid property and GF, FF & SF are residentially occupied. Further, it was also mentioned Third Floor was being constructed by them within compoundable limit but they have stopped the construction work after receiving the aforesaid show cause notice and regularization application in respect of Third Floor will moved by them.

7. However, no regularization application in this regard was moved in the department till 13.05.2025, therefore after following the due process of law as contained under Sections 343 and 344 of the DMC Act, a Demolition Order under Section 343 of the DMC Act was passed on 13.05.2025. Copy of the demolition order dated 13.05.2025 is annexed herewith as Annexure-'C'.



8. That aggrieved with the said demolition order dated 13.05.2025 an appeal bearing No. 357/2025 titled as



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Nikhil Madan V/s MCD was filed before the Hon'ble AT/MCD. The said appeal is still pending and NDOH of the said appeal is 10.11.2025.

9. That it is further pertinent to mention that subsequent to passing of demolition order dated 13.05.2025, a regularization application dated 26.05.2025 was received in the department for regularization of above said property. Subsequently an I.N dated 11.06.2025 was issued to Sh. Nikhil Madan, Sh. Jatin Madaan and Smt. Pooja Sharma. The reply of the said I.N was received in the department on 23.06.2025, which was examined and it was found that the applicant has not submitted requisite documents along with his reply, therefore, in the interest of natural justice one more opportunity was provided to him to submit reply within three days failing which his request for regularization of the property will be rejected and the same was also communicated to him through letter dated 30.06.2025. However, the requisite documents were not submitted within three days despite opportunity provided to the applicant. But a letter dated 09.07.2025 was received in the department whereby the applicant has sought 15 days more time to submit the requisite documents. His request was considered and applicant was granted 15 days time to submit the requisite documents.

10. That even after lapse of 15 days the applicant has not submitted the requisite documents required for regularization. Hence, the regularization application was rejected on 29.07.2025. Copy of the rejection of the





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regularization dated 29.07.2025 is annexed herewith as Annexure-'D'.

11. That since there is no stay from Hon'ble AT/MCD, therefore, in order to execute the demolition order dated 13.05.2025, a demolition action program was fixed by the department for 13.08.2025. On that day during the course of action front wall of the bathroom along with doors, chaukhats and partition wall has been demolished. Photographs taken at the time of demolition action are annexed herewith as Annexure-'E'.

12. That further action, shall be taken by the Deptt., as per the provisions of DMC Act and in accordance with law, in due course of time.

3. Perusal of the aforesaid Status Report shows that the MCD has already initiated action against the unauthorized construction in the property in question.
4. This Court records the statement made by learned counsel appearing for the respondent nos. 1 and 2-MCD, that Demolition Order in the present case was passed on 13th May, 2025, and part action has already been taken on 13th August, 2025.
5. This Court further notes the submission made by learned counsel appearing for the MCD that further action against the property in question shall be taken, expeditiously.
6. Considering the aforesaid, since requisite action has already been



taken by the MCD, no further orders are required to be passed in the present petition.

7. Needless to state, in case, any of the parties are aggrieved by any action or non-action on the part of the MCD, they shall have the liberty to seek their remedies, in accordance with law.

8. At this stage, learned counsel appearing for respondent no. 4 submits that though the regularization application of respondent no. 4 has been rejected by the MCD on 29th July, 2025, the respondent no. 4 shall file a fresh application for regularization, on account of the fact that the property of the respondent no. 4, is now within compoundable limits.

9. In case, such regularization application is filed by respondent no. 4, the same shall be considered by the MCD, in accordance with law and its policy.

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

MINI PUSHKARNA, J

SEPTEMBER 12, 2025/KR