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

+ W.P.(C) 6973/2025 & CM APPL. 31500/2025

SAROJ PARSAD & ORS.

.....Petitioners

Through: Mr. Sumit Gaba, Advocate (through
VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Abhishek Mahajan, Advocate for
MCD

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Mr. Rishab Rajjan, SC-BSES with
Mr. Shariq Hussien, Advocates for R-
5 (M:9540535859)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

19.09.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1, 2 and 5, to take action against the illegal and unauthorized construction raised by respondent nos. 3 and 4 in stilt parking area portion of property bearing no. 228, *Killa No. 21, Mustatil No. 31, measuring 200 sq. yds., Chand Nagar, Near Tilak Nagar, New Delhi.*

2. The Municipal Corporation of Delhi ("MCD") had earlier filed a Status Report dated 06th September, 2025, relevant portions of which, are reproduced as under:



4. That as per record maintained by the answering respondent No. 1/MCD i.e. Building Department-I, West Zone, the property bearing Plot No. 228, Chand Nagar, Near Tilak Nagar, New Delhi was booked for unauthorized construction vide File No. EE(B)-I/UC/WZ/2025/85 dated 26.05.2025 for unauthorized construction in the shape excess coverage against SBP No. 68/B/WZ/11/1 dated 06.07.2011 at Stilt, Upper Ground Floor to Third Floor (There are two existing shops at Stilt Parking which is against Building Bye Laws). Consequently, a show cause notice u/s 344(1) & 343 of the DMC Act was issued to the owner/builder on 26.05.2025 with the direction to submit reply within 15 days. Simultaneously, he was also given an opportunity of personal hearing in the matter on 06.06.2025. Copy of the show cause notice dated 26.05.2025 is annexed herewith as **Annexure-'A'**.
5. That in response to the said show cause notice, the case was taken up for hearing of the owners/occupiers as per schedule on 06.06.2025, which was attended by the different floor owners except the owner of the Stilt Floor. However, a reply of the Stilt Floor owner was received in the department on 09.06.2025. Further, during the hearing the owners had failed to submit any evidence on record to press their claim and as such, based on merit of the case the demolition order under section 343 of the DMC Act, 1957 against aforesaid unauthorized construction was passed on 13.06.2025 with the direction to the owner/occupier to demolish the unauthorized construction within 15 days. Copy of the demolition order dated 13.06.2025 is annexed herewith as **Annexure-'B'**.
6. That it is further submitted that action u/s 345-A of the DMC Act was also initiated against the aforesaid unauthorized construction and under the approval of competent authority, a sealing show cause notice was issued to the owner/builder vide No. EE(B)-I/WZ/SR/2025/55 dated 17.06.2025. Copy of the sealing show cause notice dated 17.06.2025 is annexed herewith as **Annexure-'C'**.



7. That in compliance of the aforesaid sealing show cause notice dated 17.06.2025, all the floor owners/occupiers except the owner of Stilt Floor, had submitted their reply jointly in the department on 19.06.2025 which was examined and found unsatisfactory. Accordingly, under the approval of the competent authority, the sealing order u/s 345A of the DMC Act was passed on 30.06.2025. Copy of the sealing order dated 30.06.2025 is annexed herewith as **Annexure-'D'**.

8. That in order to execute the above said orders passed by the department against the unauthorized construction in the property, a special demolition / sealing action program was fixed by the department for 08.07.2025. Further, during the course of action, 3 points were sealed at stilt floor (one point at front side, one point, near lift and one point at back side). However, complete action could not be executed as the rest of the property was found residentially occupied.

9. That it is further submitted that an application for temporary de-sealing of the premises to remove the goods was received in the department on 09.07.2025 from Sh. Amrit Pal Bhurji S/o Sh. Rajinder Singh which was considered and under the approval of the competent authority, the property was temporarily de-sealed on 16.07.2025 for a period of two days to remove the goods/machinery from the stilt portion of the property. The property was subsequently re-sealed after expiry of de-sealing period on 18.07.2025.



10. That another special demolition/sealing action program under the PS-Tilak Nagar was fixed by the department for 31.07.2025. But on that day action could not be taken due to non-availability of police force from PS-Tilak Nagar, Delhi. Copy of the letter dated 31.07.2025 for non-availability of police force issued from PS-Tilak Nagar is annexed herewith as Annexure-‘E’.

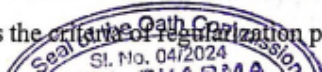
11. That consequently another special demolition/sealing action program for the aforementioned property was fixed for 06.08.2025 and accordingly, a letter was issued to the PS-Tilak Nagar on 01.08.2025 with the request to provide adequate police force during the action program on 06.08.2025. Now, further action will be taken against the aforesaid property as per schedule on 06.08.2025 subject to availability of requisite police force as well as vacation of the occupied portion from the occupants.

3. Perusal of the aforesaid Status Report shows that the MCD had issued Sealing Order dated 30th June, 2025 with respect to the property in question, pursuant to which the property in question was sealed on 08th July, 2025.
4. Further, Demolition Order also stands passed with respect to the property in question.
5. Subsequently, an Action Taken Report dated 16th September, 2025 has been filed on behalf of the MCD, relevant portions of which, are reproduced as under:



4. That in continuation of earlier report filed by the answering respondent No.1/MCD, it is further submitted that after taking permission from competent authority for taking demolition action at property bearing Plot No. 228, Chand Nagar, Near Tilak Nagar, New Delhi a demolition action program was fixed by the department for 06.08.2025. On that day the aforesaid property was temporally de-sealed and demolition action was undertaken. During course of action two walls was demolished at stilt floor in the presence of police force from PS Tilak Nagar, Delhi. After taking action property was again re-sealed. Photographs taken at the time of demolition action are annexed herewith as **Annexure-'A'** (Colly).

5. That further the owner/occupier of the aforesaid property has also applied for regularization of the compoundable deviation in the said property. The same shall be considered by the department as per law and as per provisions of the DMC Act and BBL in due course of time if it fulfills the criteria of regularization policy.



6. Reading of the aforesaid Status Report shows that the property in question was temporary de-sealed and thereafter demolition action was undertaken on 06th August, 2025.

7. Further, it transpires that the owner/occupier of the property in question has also applied for regularization of the compoundable deviations.

8. Accordingly, MCD is directed to take further action against the property in question, subject to any order that may be passed in the application for regularization filed by the owner/occupier of the property in question.

9. Considering the aforesaid Status Report and Action Taken Report filed on behalf of MCD, no further orders are required to be passed in the present writ petition.



10. At this stage, learned counsel appearing for the petitioners submits that an application for de-sealing the area in question has been filed.
11. The same shall be considered by the MCD in accordance with law.
12. Accordingly, the present writ petition, along with the pending application is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025
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