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

+ W.P.(C) 7064/2025 & CM APPL. 31859/2025

VISHAL RAZDAN

.....Petitioner

Through: Mr. Vinod Kumar, Adv. (Through
VC)

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
COMMISSIONER & ORS.

.....Respondents

Through: Ms. Shivani Luthra Lohiya, SPC for
R-3

Mob: 9910031323

Email:

[shivani.luthralohiya@lawchambers.co
.in](mailto:shivani.luthralohiya@lawchambers.co.in)

Mr. Amit Gupta, Advocate for R-4
along with respondent no. 4 in person.

Mob: 9899474884

Mr. Siddharth Gupta, SC for MCD

Mob: 9810141287

Email: guptasiddharth73@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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14.10.2025

1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to take action to seal and demolish the unauthorized construction carried out by respondent no. 4, at three properties, bearing *Khasra Nos. C-12, A-13 and Khasra No. 328/1, Vishkarma Colony, Village Pul Pahladpur, Suraj Kund Road, New Delhi-110044.*

2. A Status Report dated 04th August, 2025, has been filed on behalf of



the Municipal Corporation of Delhi (“MCD”), wherein, it is stated as below:

“xxx xxx xxx

2. That present affidavit is being filed in compliance of order dated 22/05/2025 of this Hon'ble Court whereby MCD was directed to file status report in respect of unauthorized construction carried out at subject properties i.e. C-12, A-13 and Khasra No.328/1, Vishwakarma Colony, Pul Prehladpur, Suraj Kund Road, New Delhi.



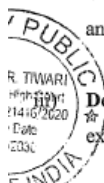
3. That it is most respectfully submitted that deterrent actions like demolition and sealing of unauthorized construction are taken on daily basis. All out efforts are made to stop the unauthorized construction at the beginning stage itself by

issuing Work Stop Notice to concerned Police Station(s). Tools and plants are removed from the construction site(s) and confiscated. For any unauthorized construction, which could not be stopped at ongoing stage and subsequently detected, action is taken against such unauthorized constructions under the various provisions of DMC Act 1957. In the present case also, the answering respondent took all the measures in accordance with law and carried out its statutory obligation. The details of actions initiated vis-à-vis taken by the answering respondent against unauthorized construction carried out in subject properties are as under:

Property No. C-12, Vishwakarma Colony, Pul Prehladpur, Suraj Kund Road, New Delhi

i) **Demolition proceedings u/s 343/344 of the DMC Act-** As per record, unauthorized construction at subject property was noticed on 16/10/2023 in the shape of Stilt to Fourth Floor. The answering respondent initiated demolition proceedings against said unauthorized construction u/s 343/344 of the DMC Act vide File No. 271/B/UC/EE(B)-II/CNZ/23 dated 16/10/2023. The competent authority after following due process of law passed demolition order dated 25/10/2023. Copy of demolition order is annexed herewith as **Annexure-A.**

ii) **Sealing Proceedings u/s 345-A of the DMC Act -** The answering respondent also initiated sealing proceedings against aforesaid unauthorized construction. Copy of sealing order dated 04/12/2023 is annexed herewith as **Annexure-B.**



Demolition Action(s) : On 14/12/2023, the answering respondent executed demolition order partly. During said program, the answering



respondent cut down RCC roof of fourth floor (02 panels). Pursuant to above actions the answering respondent issued watch and ward letter bearing No. D/248/AE(Bldg.)-I/Central Zone/2023 dated 20/12/2023 to SHO/PS-Pul Prehladpur for necessary instruction to patrolling staff for watch and ward so that owner may not able to restore the demolished structures. Copy of the watch & ward letter is annexed herewith as **Annexure-C.**

- iv) Further demolition action was taken on 09/01/2024. During said program, the answering respondent demolished/cut down RCC roof of fourth floor (03 panels), RCC roof of third floor (03 panels), RCC roof of second floor (01 panel), RCC roof of first floor (01 panel), RCC roof of ground floor (01 panel). Pursuant to above actions the answering respondent issued watch and ward letter bearing No. D/251/AE(Bldg.)-III/Central Zone/2024 dated 07/02/2024 to SHO/PS-Pul Prehladpur for necessary instruction to patrolling staff for watch and ward so that owner may not able to restore the demolished structures. Copy of the watch & ward letter is annexed herewith as **Annexure-D.**

- v) **Disconnection of Water & Electricity connection** - The owner / builder restored the demolished structure. Consequently, answering respondent vide letter No.D/17/AE(B)-I/Central Zone/2025 dated 19/05/2025 referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity connection of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of said letter is annexed herewith as **Annexure-E.**

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Sealing Action – On 17/06/2025 & 18/06/2025, the answering respondent carried out sealing action. During these actions, the answering respondent sealed entire property. Pursuant to above actions the answering respondent issued watch and ward letter bearing No. D/86/AE(Bldg.)-I/Central Zone/2025 dated 18/06/2025 to SHO/PS-Pul Prehladpur for necessary instruction to patrolling staff for watch and ward so that owner may not able to tamper with the seal(s) affixed by the MCD. Copy of the watch & ward letter is annexed herewith as **Annexure-F.**

Demolition order set aside by Appellate Tribunal: MCD

The owner of the subject property preferred appeal against the demolition order by filing Appeal No. 371/ATMCD/2025 titled “Dhiraj Gupta V/s MCD”. The Appellate Tribunal vide judgment dated 11/06/2025 set aside the demolition order and remanded the matter back to quasi-judicial authority for fresh order after affording opportunity of personal hearing to the appellant. Presently, case is under hearing. The action will be planned and carried out as soon as fresh demolition proceedings are concluded and order passed. **Annexure-G.**

Property No. A-13, Vishwakarma Colony, Pul Prehladpur, Suraj Kund Road, New Delhi

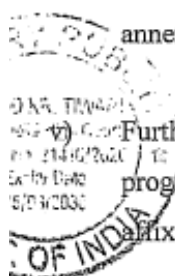
i) **Demolition proceedings u/s 343/344 of the DMC Act-** As per record, unauthorized construction at subject property was noticed on 29/05/2023 in the shape of Ground to Third Floor. The answering respondent initiated demolition proceedings against said unauthorized construction u/s 343/344 of the DMC Act vide File No.





111/B/UC/EE(B)-II/CNZ/23, dated 29/05/2023. The competent authority after following due process of law passed demolition order dated 08/06/2023. Copy of demolition order is annexed herewith as **Annexure-H.**

- ii) **Work Stop Notice u/s 344(2) of the DMC Act** - To prevent further unauthorized construction, the answering respondent issued Work Stop Notice to SHO/PS-Pul Prehladpur vide No.D/61/AE(B)-I/Central Zone/2023 dated 05/06/2023 for getting the construction work stopped, to confiscate the building material, tools and plant and to disperse the workforce from construction site. Copy of work stop notice is annexed herewith as **Annexure-I.**
- iii) **Demolition Action(s)** : On 05/07/2023, the answering respondent executed demolition order. During said program, the answering respondent cut down RCC roof of third floor floor (02 panels). Further, the front side of the building defaced by demolishing brick walls at first floor, second floor and third floor, which were projections on municipal land as **Annexure-J.**
- iv) **Sealing Proceedings u/s 345-A of the DMC Act** - The answering respondent also initiated sealing proceedings against aforesaid unauthorized construction. Copy of sealing order dated 20/10/2023 is annexed herewith as **Annexure-K.**



v) Further, sealing order was executed on 20/10/2023. During said program, the answering respondent sealed the entire property by affixing seal(s) at three points at two main gate at ground floor. Prior

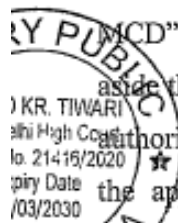


to sealing action, the answering respondent had issued lock breaking notice u/s 433 of the DMC Act vide No. D/155/EE(B)-II/CNZ/2023 dated 20/10/2023. Copy of lock breaking notice is annexed herewith as **Annexure-L**. The owner / builder, however, tamper with the seal(s) affixed by the MCD. Consequently, answering respondent filed a complaint with SHO/PS-Pul Prehladpur under the signature of Deputy Commissioner, Central Zone for investigation and to identify the person(s) responsible for tampering of seal(s) and to file FIR against such person(s) so that accused could be prosecuted in the court of law. Copy of complaint dated 02/06/2025 is annexed herewith as **Annexure-M**.

- vi) **Disconnection of Water & Electricity connection** - The answering respondent vide letter No.D/229/AE(B)-I/Central Zone/2023 dated 24/11/2023 referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity connection of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of said letter is annexed herewith as **Annexure-N**.

Demolition order set aside by Appellate Tribunal: MCD

The owner of the subject property preferred appeal against the demolition order by filing Appeal No. 373/ATMCD/2025 titled "Dhiraj Gupta V/s MCD". The Appellate Tribunal vide judgment dated 11/06/2025 set aside the demolition order and remanded the matter back to quasi-judicial authority for fresh order after affording opportunity of personal hearing to the appellant. Presently, case is under hearing. The action will be





planned and carried out as soon as fresh demolition proceedings are concluded and order passed. **Annexure-O.**

**Property bearing Khasra No.328/1, Vishwakarma Colony, Pul
Prehladpur, Suraj Kund Road, New Delhi**

- i) **Sanctioned building plan** - As per UBBLs-2016 under Chapter-4 (Saral Scheme) read with Clause 3.1.1.2 of Unified Building Bye-Laws-2016, Architects/Engineers (As per entitlement) are empowered to grant sanction to building plan for residential building on plots up to 105 Square meters in size after submitting the plan along with requisite documents and fees to the sanctioning authority. Under Saral Scheme absolute reliance is made on the submissions of Owner(s) and his/her Architect regarding compliance of relevant provisions of Building Bye Laws-2016/Master Plan/Zonal Plan in the submitted proposal. Therefore, owner, architect and structural engineer are to remain responsible for any shortcoming or misrepresentation or non-compliance of applicable provision of UBBLs-2016/Master Plan-2021 in the submitted proposal.

As per record Shri Umesh Chand, Engineer (E/00081) sanctioned the building plan in favour of Shri Ahsan under Saral Scheme vide ID No. 20007525 dated 08/08/2024 for the proposed construction of residential building at above site on plot measuring 83.649 square meters in size. **Annexure-P.**

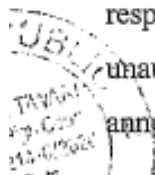


- i) **Demolition proceedings u/s 343/344 of the DMC Act-** As per record, deviations in the shape of excess coverage Stilt and ground floor and unauthorized construction of basement came to the notice of concerned Junior Engineer (Bldg.) on 09/08/2024. The answering



respondent initiated demolition proceedings against said unauthorized construction u/s 343/344 of the DMC Act vide File No. 190/B/UC/EE(B)-II/CNZ/24 dated 09/08/2024. The competent authority after following due process of law passed demolition order dated 20/08/2024. Copy of demolition order is annexed herewith as **Annexure-Q.**

- ii) **Work Stop Notice u/s 344(2) of the DMC Act** - To prevent further unauthorized construction, the answering respondent issued Work Stop Notice to SHO/PS-Pul Prehladpur vide No.D/316/AE(B)-III/Central Zone/2024 dated 12/08/2024 for getting the construction work stopped, to confiscate the building material, tools and plant and to disperse the workforce from construction site. Copy of work stop notice is annexed herewith as **Annexure-R.**
- iii) **Disconnection of Water & Electricity connection** - The answering respondent vide letter No.D/319/AE(B)-III/Central Zone/2024 dated 20/08/2024 referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity connection of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of said letter is annexed herewith as **Annexure-S.**
- iv) **Sealing Proceedings u/s 345-A of the DMC Act** - The answering respondent also initiated sealing proceedings against aforesaid unauthorized construction. Copy of sealing order dated 23/09/2024 is annexed herewith as **Annexure-T.**





- v) **Revocation of building plan** - During scrutiny of building plan sanctioned by the professional, it was come to the notice that the same was sanctioned in contravention of the laid down regulations. The site, in question, falls in unauthorized colony where building activity is not permitted and as such no building plan can be sanctioned. Therefore, competent authority (Deputy Commissioner, Central Zone) after following due process of law passed revocation order dated 27/11/2024. **Annexure-U**. Consequently, entire structure became unauthorized and demolition proceedings initiated vide File No. 190/B/UC/EE(B)-II/CNZ/24 dated 09/08/2024 also became infructuous. Therefore, answering respondent initiated fresh demolition proceedings vide File No. 94/B/UC/EE(B)-II/CNZ/25 dated 23/05/2025 against unauthorized structure-of basement, ground and first floor. The competent authority after following due process of law passed demolition order by way of speaking order dated 17/06/2025 giving 15 days to the owner to demolish the unauthorized construction **Annexure-V**. Further, on 17/06/2025, MCD sealed the basement and demolition action shall be taken in due course of time **Annexure-W**.

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DEPONENT

3. Perusal of the aforesaid Status Report shows that requisite action has already been initiated by the MCD.
4. Accordingly, MCD is held bound to take requisite action against the unauthorized construction existing in the properties in question, after following the due process.
5. Learned counsel appearing for the petitioner submits that the petitioner is satisfied with the action taken by the MCD. He, thus, submits that he does not wish to press the present writ petition.
6. Accordingly, considering the submissions made before this Court, the



present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 14, 2025/SK