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

+ **CONT.CAS(C) 1169/2025**

SHRI MAHENDER KUMAR

.....Petitioner

Through:

Mr. Darshan Paliwal, Mrs. Neeraj Paliwal, Mr. vishal Nagar, Mr. Manoj Kumar, Advs. (Through VC)

Mob: 9953288797

Email:

adv.darshanpaliwal21@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through:

Ms. Kannopriya Gupta, Adv. for R-1 & 2.

M: 8447616105

Mr. Raj Kumar, CGSC for R-Delhi Police (Through VC)

Mob: 9810007606

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+ **W.P.(C) 7148/2025 & CM APPL. 51529/2025**

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CORAM:



HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

21.08.2025

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1. The present writ petition has been filed seeking direction to respondent nos. 1 to 3 to take action against the illegal construction raised over property bearing no. A-111 (Old No. A-196), Gali No. 1, Shakarpur, Delhi-110092.

2. A Status Report, dated 22nd July, 2025, on behalf of respondent nos. 1 and 2 – Municipal Corporation of Delhi (“MCD”) is on record, as per which, the unauthorized construction in the property in question was booked, and a Show Cause Notice dated 16th May, 2025, was issued with respect thereto. Subsequently, a Demolition Order was issued by the MCD on 15th July, 2025.

3. Further, as per the said Status Report, sealing action was taken on 21st July, 2025, when the main entry of the entire fourth floor of the property in question was sealed. The relevant portion of the Status Report of MCD, reads as under:

“xxx xxx xxx

6. That, the department booked unauthorized construction, being carried out at Fourth Floor, vide booking file No. 96/B/UC/SS/2025 dated 16.05.2025.

7. That, a Show Cause Notice dated 16.05.2025 was issued to the owner/builder under sections 344(1) & 343 of Delhi Municipal Corporation Act, 1957 addressed to Sh. Madan Jaiswal /Owner/Builder/Occupier directing therein to show cause within 15 days as to why orders of demolition as required u/s 343 of the Act should not be passed in respect of unauthorized construction in form of Fourth Floor. The service of the same was done through speed post but the same was returned back as undelivered. Thereafter, pasting of Show Cause Notice was done at site. Since, the notices failed to comply with direction contained in the Show Cause Notice dated 16.05.2025 resulting in issuance of notice order of demolition under section 343 of the DMC Act, 1957 on 15.07.2025. The owner



/occupier has been directed to demolish the unauthorized construction within 15 days from the date of receipt of this demolition order. In case, Owner/occupier does not comply with the orders, MCD will itself initiate action for demolition. Copy of Show Cause Notice and Order of demolition are annexed as **Annexure R -2 (COLLY)**.

8. That, it is further to submit that the sealing proceedings u/s 345-A of the DMC Act, 1957 was also initiated and a Sealing Show Cause Notice dated 04.06.2025 was issued. After following due process of law, order of sealing was passed on 14.07.2025. Copy of Sealing order is annexed as **Annexure R-3**.

9. That, a special sealing /demolition action program has been fixed for 21.07.2025, wherein fourth floor has been sealed at one point of main entry of entire fourth floor. Photographs taken during the action on 21.07.2025 are annexed as **Annexure R-4 (Colly)**.

xxx xxx xxx”

4. Today, learned counsel appearing for the respondent nos. 1 and 2-MCD submits that a demolition action against the unauthorized construction in the property in question has been taken on 11th August, 2025. She has handed over photographs of the said demolition action, which are taken on record. One of the photographs as handed over, is reproduced as under:





5. Accordingly, no further orders are required to be passed in the present writ petition.
6. However, in case the petitioner is aggrieved by any non-action of the MCD, the petitioner may approach the Special Task Force (“STF”), as constituted by the Supreme Court.
7. In case the owner/occupier of the property in question has any grievance against any action taken by the MCD, the right of such party is reserved for seeking their remedies, in accordance with law.
8. Noting the aforesaid, the present petitions, along with the pending application, are accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 21, 2025/SK