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

+ **W.P.(C) 7094/2025 & CM APPL. 32061/2025**

SAIFULLAH

.....Petitioner

Through: None

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Ms. Vidhi Jain, Adv. for MCD
(Through VC)\

Mob: 9654454567

Email: jainvidhi17@gmail.com

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 respondent no.1, to stop the unauthorized construction carried out by respondent no. 2, at property bearing *No. 1675, Gali Takhat Wali, Suiwalan, Darya Ganj, Central Delhi, Delhi-110002*.

2. This Court notes that a Status Report dated 29th August, 2025 has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:

"xxx xxx xxx

3. That it is submitted that the property bearing no. 1675, Gali Takhat Wali, Suiwalan, Chandni Mahal, Daryaganj, Delhi-110002 was inspected by the filed officials of the MCD and during the inspection unauthorized construction in the shape

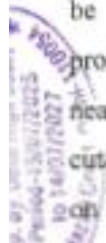


of entire ground floor, first floor, second floor, third floor and fourth floor was noticed and as such the same was booked under section 344(1) & 343 of the DMC Act vide file no. 56/UC/76/B-II/CSPZ/2025 dated 22.04.2025. Accordingly a show cause notice dated 22.04.2025 was issued to the Owner/Builder to show cause as to why demolition order be not passed in respect of aforesaid unauthorized construction.

4. That it is submitted that thereafter, a work stop notice vide no. D-62/AE(B)/CSPZ/2025 dated 24.04.2025 was issued to the SHO P.S. Chandni Mahal to ensure that no further unauthorized construction is carried out in the property in question. A copy of work stop notice dated 24.04.2025 is annexed herewith as **Annexure-A**.

5. That it is submitted that after following due process of law demolition order dated 23.05.2025 was passed in respect of ground floor, first floor, second floor, third floor, fourth floor and fifth floor of the property in question. A copy of demolition order dated 23.05.2025 is annexed herewith as **Annexure-B**.

6. That it is submitted that in execution thereof demolition action was planned on 24.06.2025, however action could not be taken due to shortage of time. Another demolition programme was planned on 30.06.2025 wherein brick wall near stairs was demolished and 01 RCC Panel was cut/demolished. Photographs showing demolition action taken on 30.06.2025 are annexed herewith as **Annexure-C(Colly)**.





Further, a watch and ward letter dated 30.06.2025 was issued to SHO P.S. Chandni Mahal thereby directing him to have a strict watch over the demolished portion so that same could not be repaired or re-constructed. A copy of watch and ward letter dated 30.06.2025 is annexed herewith as **Annexure-D**.

7. That it is submitted that further in continuation thereof another programmes were planned on 08.07.2025 & 23.07.2025 however action could not be taken due to shortage of time. Another demolition programme was planned on 29.07.2025 wherein 02 RCC Panels were cut/demolished on the roof of fifth floor. Photographs showing demolition action taken on 29.07.2025 are annexed herewith as **Annexure-E(Colly)**. A watch and ward letter dated 30.07.2025 was issued to SHO P.S. Chandni Mahal thereby directing him to have a strict watch over the demolished portion so that same could not be repaired or re-constructed. A copy of watch and ward letter dated 30.07.2025 is annexed herewith as **Annexure-F**. Further demolition action in the matter will be taken in the month of September-2025.

8. That it is submitted that, as per record, the property bearing no. 1539-1543, Suiwalan, Chandni Mahal, Delhi-110002 was inspected by the filed officials of the MCD and during the inspection unauthorized construction in the shape of entire ground floor & first floor was noticed and as such the same was booked under section 344(1) & 343 of the DMC Act vide file no. 210/84/UC/EE(B)/CZ/2015 dated 12.10.2015. Accordingly, a show cause notice 12.10.2015 was issued to the Owner/Builder to show cause as to why demolition order





be not passed in respect of aforesaid unauthorized construction. Thereafter, a work stop notice vide no. D/EE(B)/CZ/2015/1312 dated 12.10.2015 was also issued to the SHO P.S. Chandni Mahal to ensure that no further unauthorized construction is carried out in the property in question. A copy of work stop notice dated 12.10.2015 is annexed herewith as **Annexure-G**.

9. That it is submitted that after following the due process of law demolition order dated 19.10.2015 was passed in respect of unauthorized construction entire ground floor, first floor and further unauthorized construction at second floor in the property in question. A copy of demolition order dated 19.10.2015 is annexed herewith as **Annexure-H**.

10. That it is submitted that in execution thereof demolition action was planned on 18.11.2015 wherein roof slab of first & second floor partly demolished and remaining action could not be taken as the property was found locked, therefore a lock breaking notice dated 18.11.2015 under section 435 of the DMC Act was issued. A copy of lock breaking notice dated 18.11.2015 is annexed herewith as **Annexure-I**.

11. That it is submitted that in continuation of earlier booking further unauthorized construction in the shape of re-erection of entire ground floor, first floor & second floor in the subject property was booked under section 343 & 344(1) of the DMC Act vide filed no.113/UC/76/B-II/CSPZ/2025 dated 07.08.2025. Accordingly a show cause notice dated



07.08.2025 was issued to the Owner/Builder to show cause as to why demolition order be not passed in respect of aforesaid unauthorized construction. Further, a work stop notice vide no. D-437/AE(B)/CSPZ/2025 dated 07.08.2025 was also issued to the SHO P.S. Chandni Mahal to ensure that no further unauthorized construction is carried out in the property in question. A copy of show cause notice dated 07.08.2025 and copy of work stop notice dated 07.08.2025 is annexed herewith as Annexure-J & K respectively.

12. That it is submitted that further action in the matter shall be taken in accordance with law after completion of the statutory period granted in the show cause notice bearing no. 113/UC/76/B-II/CSPZ/2025 issued to the owner/occupier.

xxx xxx xxx”

3. Considering the aforesaid Status Report, it is manifest that the MCD has already initiated action against the unauthorized construction in question.
4. This Court notes the submission made by learned counsel appearing for the MCD, that demolition action against the property in question was taken on 30th June, 2025 and 29th July, 2025.
5. Accordingly, the MCD is held bound to take further requisite action against the unauthorized construction existing in the property in question.
6. Needless to state, in case the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to approach the Special Task Force (“STF”), as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of **Devender**



***Versus Govt. of NCT of Delhi and Ors., in W.P.(C) 1807/2018 and
Fazruddin Versus DDA and Ors. in W.P.(C) 4649/2017.***

7. Likewise, if the owner/occupier of the property in question, where action is being taken by the MCD, is aggrieved by any action on the part of the MCD, the said owner/occupier has the right to seek their remedies, in accordance with law.

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

MINI PUSHKARNA, J

SEPTEMBER 12, 2025/KR