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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7198/2025 & CM APPL. 32397/2025, CM APPL.
32398/2025
NAIMPetitioner

Through: Ms. Aishwarya Dobhal and Mr. Albar
Qureshi, Advs.
M: 9557844741
Email: Aishwarya@adaalegal.com

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents
Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advs. for MCD
M: 9811135509
Email: kapilduttamcd@gmail.com
Mr. Shekhar Dasi, Mr. Mohd. Talha,
Mr. Ayush Dasi and Mr. Deepesh
Kasana, Advs. for R-3.
M: 9911554988
Email: advocatetalha@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
26.05.2025

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1. The present writ petition has been filed for directions to the respondent nos.1 and 4, to immediately stop and demolish the illegal and unauthorized construction being carried out by respondent nos. 2 and 3, in the property bearing *Plot No. P-100, situated at Nafees Road, Batla House, Jamia Nagar, New Delhi – 110025, admeasuring 500 Sq. Yds., falling under*



Khasra No. 213, Jogabai Village, Jamia Nagar, Tehsil Defence Colony, New Delhi – 110025.

2. Learned counsel appearing for respondent no. 3 on advance notice, submits that the present petitioner had earlier filed a suit being *Civil Suit No. 1490/2023* titled as *Nain Versus Municipal Corporation of Delhi and Ors.* in the Court of Senior Civil Judge, South-East District, Saket Courts. He has handed a copy of the said suit, to submit that similar prayer, was made in the said suit also.

3. Further, he has also handed over copy of the order dated 21st May, 2025, passed in the aforementioned *Civil Suit No. 1490/2023*, wherein, the Senior Civil Judge, South-East, Saket Courts, New Delhi, has allowed the application under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (“CPC”), read with Section 151 CPC, for rejection of the plaint.

4. Thus, learned counsel appearing for respondent no.3 submits that the petitioner herein has no right over the property in question, as the suit filed on behalf of the petitioner herein, also decided the issue of title of the petitioner.

5. Learned counsel appearing for respondent no.3 submits that the petitioner has not disclosed the fact of filing and dismissal of the said suit. He, thus, submits that present writ petition is liable to be dismissed on this ground alone.

6. *Per contra*, learned counsel appearing for the petitioner draws the attention of this Court to the order dated 20th January, 2025, passed in *CONT.CAS(C) 1255/2023*, wherein, the said fact of filing of the said suit, has been disclosed. She submits that though in the present writ petition, the said fact may not have been disclosed, however, all the requisite orders,



have been filed, which clearly record that a suit had been filed earlier by the petitioner.

7. Learned counsel appearing for respondent no.1-Municipal Corporation of Delhi (“MCD”), submits that the entire building, i.e., property in question, is in the nature of unauthorized construction. He submits that he has handed over to this Court, the Status Report filed on behalf of the MCD on 26th February, 2024, in the earlier proceedings, i.e., *CONT.CAS(C) 1255/2023*. The said Status Report is taken on record.

8. He submits that various actions have been taken against the unauthorized construction existing in the property, after following the due process of law. He further submits that the property in question was sealed at the main entry of the ground floor and the main entry of the basement on 24th February, 2024, except two shops at the ground floor.

9. He further submits that respondent no. 3 herein, who is constructing the building in the property in question, has broken the seal and had repaired the demolished portion of the building. He, thus, submits that further action is being taken by the MCD, which is fixed for today itself.

10. However, learned counsel appearing for respondent no. 2 refutes the contention of breaking of the seal.

11. Considering the submissions made before this Court, in the ordinary circumstances, this Court would have dismissed the present writ petition only on account of concealment of the facts by the petitioner. However, considering the fact that since in the present case the respondent no. 3 himself has been carrying out extensive unauthorized construction, and MCD has taken requisite action against the same, this Court notes that action is required to be taken in the property in question.



12. Considering the submissions made by learned counsel appearing for respondent no. 1/MCD, it is directed that requisite action be taken by the MCD, in accordance with law.

13. Noting the aforesaid, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MAY 26, 2025/KR