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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7327/2025 & CM APPL. 32978/2025, CM APPL.
32979/2025

MEENA

.....Petitioner

Through: Mr. Amit Srivastava, Ms. Akanksha,
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versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Anubhav Gupta, ASC for MCD
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Dr. Sarbjit Sharma, Ms. Laxmi
Sharma, Advocates for R-2
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Ms. Prabhsahay, SC, DDA with Mr.
Bir Inder Singh and Ms. Harshita Rai,
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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 to 4, to immediately stop and demolish the illegal and unauthorized construction raised by respondent no. 5, at property bearing no.



3, Jogabai Village, Near Chopal, Khasra No. 161, Jamia Nagar, Okhla New Delhi -110025 (MCD Ward No. 189).

2. Learned counsel appearing for respondent no. 5 has drawn the attention of this Court to the order dated 22nd May, 2025, passed by this Court in W.P.(C) 6981/2025, titled as *Fariduddin Versus Municipal Corporation of Delhi & Ors.*

3. It is submitted that this is the fourth petition filed with respect to the same property. The earlier petition which was disposed of by this Court vide order dated 22nd May, 2025, was the third petition, with regard thereto.

4. The order dated 22nd May, 2025, passed in W.P.(C) 6981/2025, reads as under:

“1. The present writ petition has been filed for direction to the respondent no. 1-Municipal Corporation of Delhi (“MCD”), to immediately stop the ongoing, illegal and unauthorised construction being carried out by respondent no. 4 by constructing building upto 6th floor, with the basement over the property bearing no. 3, Khasra No. 161, Village Jogabai, Jamia Nagar, New Delhi.

2. Per contra, learned counsel appearing for the respondent no. 1/MCD, on advance notice, submits that there are two other petitions that have been filed with respect to the same property in question. She draws the attention of this Court to the order dated 06th February, 2025 passed in W.P. (C) 1476/2025, titled as “Bhagwati Versus MCD & Ors.” By referring to the said order, the learned counsel appearing for the respondent no. 1/MCD submits that, in a previous petition, pertaining to the same property, the MCD has clearly stated that the unauthorised construction in the property in question, already stands booked and that action has also been taken by the MCD twice. The order dated 06th February, 2025, passed in W.P. (C) 1476/2025, in **Bhagvati versus MCD and Ors.**, is reproduced as under:-

“1. This is the second call of the matter. None appeared for the Petitioner on the first call and none appears on the second call.

2. Appearing on advance copy of the writ petition, learned counsel for Respondent No.1/MCD submits that property bearing No.03, Khasra No.168, Joga Bai



Village, Jamia Nagar, Okhla, New Delhi has been booked and show cause notice dated 03.02.2025 has been issued to Mr. Wajid Khan, owner/occupier/Respondent No.3 herein to show cause within 15 days as to why demolition order be not passed. Additionally, work stop notice has been issued to SHO, PS: Jamia Nagar on 03.02.2025. Letters have been sent on 03.02.2025 to BSES and Delhi Jal Board for disconnection of electricity and water supply, respectively. Copies of the documents handed over in Court are taken on record.

3. In view of the action taken so far by MCD and the documents handed over in Court, no further order is required to be passed in this writ petition at this stage. Needless to state that any further action will be taken by MCD after reply, if any, is received from Respondent No.3 and in compliance of all the statutory provisions and bearing in mind the judgment of the Supreme Court in In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.

4. Accordingly, the writ petition stands disposed of, along with pending application. In case of further grievance, Petitioner may take recourse to legal remedies. It is made clear that this order is passed without prejudice to the rights and contentions of Respondent No.3.”

(Emphasis Supplied)

3. Learned counsel appearing for the respondent no. 1/MCD further submits that in the case of **Bhagwati** (supra), the Khasra number was different, though the owner/occupier that has been impleaded is the same. She further submits that the MCD confirms that the identity of the property in the case of **Bhagwati** (supra) and in the present case, are same.

4. Learned counsel appearing for respondent no. 2, i.e., Station House Officer (“SHO”) Police Station Jamia Nagar, submits that the police has already inspected the property and Report with regard thereto has been sent to the MCD.

5. Learned counsel puts an appearance for the owner of the property in question, who has not been impleaded in the present petition. He confirms the fact that action is being undertaken by the MCD against that property in question.



6. *He further submits that regularization application on behalf of the owners has also been filed with the MCD, which is pending therein.*

7. *Be that as it may, this Court will not delve into the issue of ownership of the property in question. However, this Court takes note of the submissions made by the learned counsel for the respondent no. 1/MCD, that the unauthorised construction in the property in question, already stands booked and that action has already been initiated by the MCD.*

8. *Noting the aforesaid, it is directed that the MCD shall carry out the requisite action against the unauthorised construction existing in the property in question, subject to any orders that may be passed in the regularisation application filed on behalf of the owner/occupier of the property in question.*

9. *With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.”*

5. Considering the aforesaid, it is evident that this Court has already recorded that the owner/occupier of the property in question, has already filed regularization application, which is pending with the MCD.

6. Further, this Court has already directed that the MCD shall carry out the requisite action against the unauthorized construction existing in the property in question, subject to any orders that may be passed in the regularization application filed on behalf of the owner/occupier of the property in question.

7. In view of the aforesaid, no directions are required to be passed in the present petition.

8. The present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

MAY 26, 2025/ak