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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7663/2025, CM APPL. 34116/2025, CM APPL.-63327/2025
& CM APPL.-63344/2025

NIKHIL SHARMA AND ANR.Petitioners
Through: Mr. Piyush Bhardwaj, Mr. Varun
Bhadana, Mr. Satyam Pandit, Advocates
Mob: 9990094864

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.Respondents
Through: Ms. Akanksha Gupta, SPC for MCD
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Email:
advakankshagupta@hotmail.com
Mr. Ankit Verma, Sr. Panel Counsel,
with Mr. Dipanshu Kumar, Advs. for
R-2 (Through VC)
Mr. Shashi Pratap Singh and Mr.
Aishwarya Bhatia, Advs. for R-
STF/DDA (Through VC)
Mr. Gaurav Sharma and Mr. Gaurav
Tripathi, Advs. for R-5
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **09.10.2025**

1. The present writ petition has been filed seeking directions to the respondent-Municipal Corporation of Delhi ("MCD"), to take action against the unauthorized and illegal construction being carried out in property



bearing No. 10/25, Yogmaya Mandir, Mehrauli, Delhi-110030.

2. A Status Report/Action Taken Report, has been filed on behalf of the MCD, relevant portions of which, read as under:

“xxx xxx xxx

3. That so as to ascertain the status of the subject property i.e. bearing No. 10/25, Yogmaya Mandir, Mehrauli, New Delhi, the same has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the area field staff of Building Department –II of South Zone – MCD has identified the subject property as property bearing No. 10/25, Ward No. 1, Opposite Yogmaya Mandir, Mehrauli, New Delhi. The status of actions as initiated / taken by the department are detailed herein below:

- i) As per record, this property was earlier booked for unauthorized construction vide U/c file No. 281/UC/B-II/SZ/2012 dated 03/09/2012 in the shape of U/c at First floor and raising walls / columns at Second floor for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary speaking demolition order was also passed by the Competent Authority vide dated 05/10/2012. Copy of the said speaking demolition order is annexed herewith as Annexure –A.



ii) Beside this, the necessary letters dated 17/09/2012 were also sent to concerned authorities i.e. BSES, DJB, Sub-Registrar and to SHO concerned, PS Mehrauli to take necessary action on their parts in respect of alleged unauthorized construction, in terms of the letters. Copy of the said letters as sent in this regard are also annexed as Annexure – B (Colly).

iii) Furthermore, Prosecution action u/s 466-A DMC Act, 1957 was also initiated vide dated 01/10/2012. Copy of the complaint is annexed herewith as Annexure – C.

iv) Pursuant to the aforesaid demolition order, the department had also carried out one demolition action vide dated 06/02/2013, as per record.

4. That moreover, on noticing further new unauthorized construction in respect of the subject property, the Building Department -II of South Zone – MCD has further initiated / taken the following actions:

i. Booked the unauthorized construction in respect of subject property vide U/c File No. 116/UC/B-II/SZ/2021 dated 03/03/2021 in the shape of Second floor and Third floor (old and occupied) (in continuation of previous booking No. 281/UC/SZ/B-II/2012 dated 03/09/2012), for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary demolition order has also been



passed by the Competent Authority i.e. the then AE (Bldg)-II of South Zone – MCD vide dated 11/03/2021. Copy of the said demolition is annexed herewith as **Annexure –D.**

ii. Furthermore, another letter dated 22/03/2021 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Mehrauli, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure – E.**

iii. Besides this, another letter for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities vide dated 22/03/2021. Copy of the said letter is annexed herewith as **Annexure – F.**

iv. Moreover, another letter dated 22/03/2021 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – G.**

v. Furthermore, sealing proceedings u/s 345-A of DMC Act – 1957 has also been initiated and after following due process of law, the necessary sealing order has also been passed by the Competent Authority i.e. the then Deputy Commissioner of



South Zone – MCD vide dated 23/08/2021. Copy of said sealing order is also annexed herewith as

Annexure – II.

vi. Further, pursuant to demolition / sealing orders already passed in respect of the subject property, the Building Department –II of South Zone – MCD has further tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	31/03/2021, 10/06/2021 & 15/06/2021	Action could not be taken due to shortage of time.
2.	20/02/2023	Upon availability of police force, during the course of action walls and columns of Second floor were demolished.
3.	21/08/2025	Upon availability of police, the new structures consisting of brick walls, RCC columns, RCC beams and T-Iron roof have been demolished and RCC columns and RCC beams have also been cut down with the help of gas cutter on the





		terrace of Second floor.
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The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure –I (Colly).**

5. That simultaneously, after taking the aforesaid demolition action, a letter 25/08/2025 has also been sent to concerned SHO, PS Mehrauli, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be re-stored / re-constructed / repaired. Copy of the said letter is also annexed herewith as **Annexure – J.**
6. That the department has now fixed the further necessary action programme in respect of the subject property for 09/09/2025 which will be taken / carried out, upon availability of police force.

3. Perusal of the aforesaid Status Report shows that the MCD has already taken partial demolition action against the property in question.
4. Accordingly, the MCD is enjoined upon to take further action against the unauthorized construction, existing in the property. The local police viz. the Station House Officer (“SHO”), Police Station Mehrauli, is directed to ensure that no further unauthorized construction takes place in the property in question.
5. Further, full assistance shall be provided to the MCD, as and when,



police assistance is sought for the purposes of taking action against the property in question.

6. If any party is aggrieved by any action or non-action on the part of the MCD, their right to seek remedies, in accordance with law, is reserved.

7. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 9, 2025/SK