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

+ W.P.(C) 7754/2025

NEERAJ SAHU

.....Petitioner

Through: Mr. Deepak Agarwal, Adv. along
with petitioner in person.
Mob: 9650335116

Versus

MCD & ORS.

.....Respondents

Through: Mr. Kapil Dutta and Mr. Siddharth
Parashar, Advs. for R-MCD
Mob: 9811135509
Email: kapilduttamcd@gmail.com
Ms. Shivangi Kumar, Adv. for R-
1/MCD
Mob: 8595244623
Email: shivangikumar@gmail.com
Mr. Lalit Gupta and Mr. Divyansh
Sharma for Ms. Chhaya Jain/Owner
Advocate Mr. Kamal Jindal (Through
VC)
Mob: 9810355699
Email: lgadvocates@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.09.2025

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1. The present writ petition has been filed seeking directions to the respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD"), to take action against the unauthorized construction existing in property bearing no.

W.P.(C) 7754/2025

Page 1 of 7



4227, *Chatta Gosai, Jogiwara, Nai Sarak, Delhi-110006*, as constructed by respondent no. 4.

2. Learned counsel appearing for the MCD submits that this is the third round of litigation with respect to the property in question. He draws the attention of this Court to the order dated 21st August, 2025, passed in *W.P.(C) 5156/2025*, titled as “*Devender Bansal Versus Municipal Corporation of Delhi & Ors.*”, which was disposed of with the directions that requisite action shall be taken against the unauthorized construction existing in the property in question, in accordance with law.

3. Subsequently, a second writ petition being *W.P.(C) 12861/2025*, titled as “*Chhaya Jain Versus Municipal Corporation of Delhi*”, was filed by the owner of the property in question, wherein, the owner of the property in question submitted that existing deviations have already been removed. Thus, the said writ petition had been disposed of, with directions to the MCD to treat the said writ petition as a representation and take requisite action.

4. It is pointed out that the present writ petition is the third writ petition for the property in question.

5. Learned counsel appearing for respondent-MCD has handed over a copy of the counter affidavit filed yesterday, i.e., 09th September, 2025, which is taken on record.

6. In the said counter affidavit, the MCD has stated as follows:

“xxx xxx xxx



That in compliance of order dated 25.08.2025 passed in writ petition no. 12861/2025 titled as Chhaya Jain Vs. Municipal Corporation of Delhi, the owner of the property has been afforded an opportunity of being heard and after hearing his submissions speaking order has been passed in the matter.

A copy of the speaking order is annexed herewith as Annexure-E.

8. That in view of above made submissions, it is submitted that the answering respondent has already taken action against the entire unauthorized construction in the property in question and as such no interference of this Hon'ble Court under Article 226 of the Constitution of India in the present case is warranted. It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to dismiss the petition being devoid of any merit.

7. Perusal of the aforesaid counter affidavit shows that a Speaking Order has already been passed by the MCD, and the MCD having been satisfied, has dropped the proceedings under Section 343 and 344 (1) of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), against the owner/occupier of the property in question. The Speaking Order dated 08th September, 2025, issued by the Office of the Executive Engineer (Bldg.)-I, City SP Zone, MCD, is reproduced as under:



MUNICIPAL CORPORATION OF DELHI

Office of the Executive Engineer (Bldg.)-I, City SP Zone
Nigam Bhawan, 4th Floor, Old Hindu College,
Kashmere Gate, Delhi-06

No. 272/EE(B)/G.I/CSPZ

Dated: 08/09

Subject: - Speaking order in the matter of Chhaya Jain Vs. MCD in Writ petition No. 12861/2025 & CM Appl. 52558/2025 in respect of property No. 4227, Chatta Gosain, Jogiwara, Nai Sarak, Delhi-110006.

The property No. 4227, Chatta Gosain, Jogiwara, Nai Sarak, Delhi-110006 was booked on account of unauthorized construction by way of constructing partition walls on first floor and second floor and fixing of shutters on each floor and covered projection by erecting walls on each floor vide file No. 94/79/B/UC/EE(B)-I/CSPZ/2025 dated 23.04.2025. Further, the demolition order by way of speaking order vide No. 549/AE/Bldg-I/CSPZ/2025 dated 04.08.2025 was passed against the unauthorized construction in the property. In the matter, a Court Case titled Devender Bansal Vs. MCD in Writ Petition No. 5156/2025 was filed which has been disposed off vide order dated 21.08.2025 with the following instruction: -

- *6. Learned counsel appearing for the MCD submits that the MCD shall inspect the property in question and in case, the unauthorized construction has not been removed, requisite action shall be taken by the MCD, in accordance with law.
7. Responding to the aforesaid, learned counsel appearing for respondent no.6 submits that a writ petition has already been filed on behalf of respondent no.6 for stay of the aforesaid Demolition Order, in view of the fact that, at present, there is no Presiding Officer in the Appellate Tribunal, MCD ("ATMCD").
8. The aforesaid statement made on behalf of the learned counsel for respondent no. 6 is taken note of.
9. This Court further notes the submission that respondent nos. 2 to 5 have no concern with the property in question, as the same has already been purchased by respondent no. 6.
10. Accordingly, it is directed that the MCD shall take requisite action against the unauthorized construction existing in the property in question, subject to any further orders that may be passed in any further proceedings by this Court or by the ATMCD.
11. It is clarified that all the rights and contentions of the parties are left open, to be decided in appropriate proceedings...."

Further, the Hon'ble High Court of Delhi vide order dated 25.08.2025 in Court Case titled Chhaya Jain Vs. MCD in Writ petition No. 12861/2025 & CM Appl. 52558/2025 directed the MCD to consider the present Writ Petition as representation. The operative Para of order dated 25.08.2025 are as under: -

- *12. Accordingly, it is directed that the present writ petition shall be considered as a representation by the MCD.



13. The petitioner shall be called for personal hearing by the Executive Engineer (Building)-I, City SP Zone on 29th August, 2025 at 03:00 PM.
14. The petitioner or her authorized representative shall attend the personal hearing. Any documents as may be required by the MCD, shall be duly submitted by the petitioner.
15. Upon providing appropriate opportunity for hearing to the petitioner, the MCD shall pass a Speaking Order after duly considering the case of the petitioner.
16. In case, there are any non-compoundable deviations, which are pointed by the MCD, the petitioner shall proceed to remove the same from the premises in question.
17. In case of any compoundable deviations, the petitioner shall be at liberty to file an application for regularization of the same, which shall be considered by the MCD, in accordance with law.
18. Accordingly, till the process of hearing is complete, no coercive action shall be taken against the petitioner. Further, any action which is to be taken by the MCD, shall be subject to the outcome of the proceedings before the Executive Engineer, MCD.
19. Needless to state that, in case, the petitioner is aggrieved by any order passed by the MCD, the petitioner is at liberty to seek her remedies in accordance with law.
20. It is further clarified that after grant of hearing to the petitioner, qua any action which is sought to be taken by the MCD, fresh order with regard thereto, would have to be issued by the MCD.
21. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of."

As per directions of Hon'ble High Court of Delhi dated 25.08.2025, Sh. Anil Jain, authorized signatory of the owner appeared on 29.08.2025 for personal hearing and has submitted a written submission which was taken on record. The hearing was concluded on 29.08.2025.

As per submissions given by the applicant dated 29.08.2025, during the hearing, it has been submitted that: -

1. There are no shutters or partitions at first floor & second floor of the property in question.
2. That Chajja in building is old and can be verified through SDM report duly submitted.
3. Our property is on commercial notified Road and use has been non residential for decades in known.
4. That shutters are allowed to be fixed on first & second floor as per Delhi Master Plan-2021 after payment of charges.

On going through the record available in the file and as per the report of JE(B) dated 04.09.2025 that the booked unauthorized construction in the shape of partition walls & shutter have been rectified at site and presently there is no unauthorized construction in the property under reference. The only issues remains is Chajja projection on which it has been submitted by the applicant that this is already there in the report of SDM, Kotwali/Sale Deed dated 03.06.2024 executed in compliance of the order dated 30.01.2024 of Hon'ble High Court of



Delhi in CS(OS) 81/2023 & I.A. 2204/2023, I.A. 14858/2023 titled Gosain Gokul Chand Dharamshala Trust Through its Managing Trustee Vs. State (Govt. of NCD Delhi) Through Chief Secretariat which is also available on record. The property has been booked on 23.04.2025 while the report of SDM is of date much prior to that i.e. 21.01.2024. From this, it is evident that the chajja were in existence prior to booking.

The registry of the property has been executed in compliance of the order dated 03.06.2024 of Hon'ble High Court of Delhi in CS(OS) 81/2023 & I.A. 2204/2023, I.A. 14858/2023 titled Gosain Gokul Chand Dharamshala Trust Through its Managing Trustee Vs. State (Govt. of NCD Delhi) Through Chief Secretariat wherein the property has been shown as Dharamshala. Further, on Sub-bare reading of the sale deed dated 03.06.2024 which is duly registered by the Sub-Registrar-I, Kashmere Gate (Central) under his stamp and the seller & purchaser have also expressed their consent upon the same and it has been revealed that the property was in existence since 13.12.1956.

It has also been submitted by the applicant in the shape of document that the property was sold as per the directions of the Hon'ble Court and after the sale, the property has been sold to an individual by the Trust.

On the basis of the documents submitted by the applicant as well as on the basis of report received from the concerned JE(B), I reach to the conclusion that the booked unauthorized construction in the shape of partition walls & shutter have been rectified at site and presently there is no unauthorized construction in the property under reference.

In view of above, I hereby drop the proceedings under section 343 & 344 (i) of the DMC Act, 1957. However, it is clarified that any deviations/unauthorized construction in future may be dealt as per the provisions of DMC Act, 1957.

Executive Engineer (Bldg.)-I
City SP Zone

To,
Smt. Chaya Jain W/o. Sh. Anil Kumar Jain,
R/o. F-56, Preet Vihar, Delhi-110092.

For,
P.No. 4227, Chatta Gosain, Jogiwara,
Nai Sarak, Delhi-110006.

Copy to:-

1. AE(B)/CSPZ for further necessary action in the matter.
2. O.I.(B)-I/CSPZ for necessary action.
3. Office copy.

Executive Engineer (Bldg.)-I
City SP Zone

8. At this stage, Mr. Lalit Gupta, learned counsel puts in appearance on behalf of the owner/occupier, i.e., Ms. Chhaya Jain, who is not a party in the present proceeding. He confirms the fact that all deviations have already



been removed to the satisfaction of the MCD.

9. Considering the aforesaid, no further orders are required to be passed in the present writ petition.

10. The present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 10, 2025/SK