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

+ **CONT.CAS(C) 1294/2025**

MOHD. LAIEQ

.....Petitioner

Through: Ms. Sana Ansari, Mr. I. Ahmed,
Advocates along with petitioner in
person (M:9818053386)

versus

SH. ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. Rambhakt Aggarwal, Advocate
for R-3 (M:9818107195)
Mr. Nirvikar Verma, SPC for Delhi
police R-2
Mr. Satish Kumar, SI, Police Station-
Bara Hindu Rao (M:9999960474)
Mr. Vikas Chopra, SC-MCD with Mr.
Neeraj Kumar, Ms. Anita R. Mishra,
Ms. Khushi, Advocates
(M:9212036118)

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+ **W.P.(C) 8108/2025 & CM APPL. 35436/2025**

MOHD. LAIEQ

.....Petitioner

Through: Ms. Sana Ansari, Mr. I. Ahmed,
Advocates along with petitioner in
person (M:9818053386)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Rambhakt Aggarwal, Advocate
for R-4 (M:9818107195)
Mr. Nirvikar Verma, SPC for Delhi
police R-2
Mr. Satish Kumar, SI, Police Station-
Bara Hindu Rao (M:9999960474)
Mr. Vikas Chopra, SC-MCD with Mr.
Neeraj Kumar, Ms. Anita R. Mishra,



Ms. Khushi, Advocates
(M:9212036118)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **24.09.2025**

1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to take action against the illegal and unauthorized construction, being raised in the property bearing No. 8850, Naya Mohalla, Azad Market, Delhi-110006.
2. Status Reports have been filed on behalf of Delhi Police and Municipal Corporation of Delhi ("MCD"), to submit that only re-tiling work is being done by the owner/occupier of the property in question and that no fresh construction is being carried out in the subject property.
3. *Per contra*, learned counsel for the petitioner draws the attention of this Court to the order dated 10th September, 2018, passed in W.P.(C) 9471/2018, titled as "*Mohd. Laieq Versus North Delhi Municipal Corporation and Ors.*", which reads as under:

"Issue notice.

Ms. Namrata Mukim, learned counsel accepts notice on behalf of respondent No. 1/North Delhi Municipal Corporation and prays for time to file a status/action taken report.

Let the status/action taken report be filed within a period of four weeks from today with an advance copy to learned counsel for the petitioner.

Let notice now issue to respondent Nos.2 to 4 by all permissible modes, including dasti, on the petitioner taking necessary steps within one week, returnable on 12.11.2018.

CM APPL.36778/2018 (Interim Relief)



The present application under Section 151 of the Code of Civil Procedure, 1908, instituted on behalf of the applicant/petitioner prays as follows:-

“a. Direct the respondents to ensure that no construction activity and unauthorized construction be raised in property bearing No.8850, Naya Mohallah, Azad Market, Delhi-110006 till the final disposal of the writ petition.

b. Any other or further relief(s) which this Hon’ble Court may deem fit and proper in the present facts and circumstances of the case may also be awarded in favour of the petitioner and against the respondents.”

Issue notice.

Ms. Namrata Mukim, learned counsel accepts notice on behalf of respondent No. 1/North Delhi Municipal Corporation (for short ‘NDMC’).

Having heard learned counsel appearing on behalf of the parties and in view of the admitted position, the NDMC is directed to take action for the complete demolition of the entire unauthorized construction, existing in the subject property bearing No.8850, Naya Mohallah, Azad Market, Delhi-110006, expeditiously and ensure that, no further unauthorized construction is allowed to be carried out thereon.

With the above directions, the application is disposed of.

A copy of this order be given dasti under the signature of Court Master to counsel for the parties.”

(Emphasis Supplied)

4. By referring to the aforesaid order, learned counsel for the petitioner submits that the property in question was booked for unauthorized construction in the year 2018, however, no action has been taken by the MCD, till date.

5. She further draws the attention of this Court to the order dated 04th September, 2019, passed in the aforesaid writ petition, wherein, it is noted as follows:

“1. This writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus, or appropriate writ, or order or direction directing respondents No.1 to 3 to take legal action of



demolition of illegal and unauthorised construction raised by respondent No.4 at the property being No.8850, Naya Mohallah, Azad Market, Delhi- 110006.

2. Respondent No. 1/North DMC has filed an affidavit on 12.11.2018 whereby it has been stated that the property in question has been booked under sections 343 and 344 of the DMC Act, 1957 (hereinafter referred to as the 'DMC Act') on 03.07.2018 for unauthorised construction at entire ground floor, with projections on Municipal Land. A show cause notice was issued to the owner. Vide speaking order dated 19.09.2018, a demolition order was issued upon the owner/builder. Sealing action has also been taken under section 345-A of the DMC Act. The Affidavit also states that the owner/builder has challenged the said order of demolition in an appeal being No.712/2018, titled, 'Amtul Aziz v. North DMC', before Appellate Tribunal, MCD. The said Appellate Tribunal, MCD has also declined to pass any stay order against the said demolition order. It is further stated that in compliance with the order of the Appellate Tribunal, MCD, the demolition/sealing programme was organised for 05.11.2018 but the said action could not take place due to the ban on construction activities imposed in Delhi.

3. Fresh status report has now been filed on 19.03.2019. In the status report, it is stated that the property in question has been sealed and the main entry at ground floor and all four points are sealed. It is stated that appeal is still pending before the Appellate Tribunal, MCD.

4. My attention has also been drawn to the order of this court dated 10.09.2018 where this court had passed the following orders:

“Having heard learned counsel appearing on behalf of the parties and in view of the admitted position, the NDMC is directed to take action for the complete demolition of the entire unauthorized construction, existing in the subject property bearing No.8850, Naya Mohallah, Azad Market, Delhi- 110006, expeditiously and ensure that, no further unauthorized construction is allowed to be carried out thereon.”

5. Mr. Rajendra Dutta, learned counsel has entered appearance for Smt. Amtul Aziz and has filed an application being CM APPL. No.51634/2018 claiming that she is the original owner of the property in question. He also confirms that some demolition proceedings have taken place and the property is lying sealed.



6. Keeping in account the affidavit filed by the North DMC and the status report, one feature is striking that this court on 10.09.2018 had directed demolition of the entire unauthorised construction. There is also a demolition order passed by the North DMC on 19.09.2018. The Appellate Tribunal, MCD on 10.10.2018 has dismissed the application of the owner/builder for stay of the demolition order. Despite aforesaid developments, respondent No. 1/North DMC has not completed the demolition of the unauthorised construction as is apparent from the status report dated 19.03.2019.

7. Learned counsel appearing for respondent No. 1/North DMC states that an application for temporary desealing of the property has been filed by the owner/builder seeking permission to regularise the unauthorised construction.

8. Respondents No.1 and 2 will ensure speedy compliance with the demolition order of this court. It is made clear that in case any application is moved by the owner/builder, the same be dealt with expeditiously and proceedings should not be prolonged. Entire exercise may be completed within three months from today. In case there is any delay in compliance with the order of this court, liberty is granted to the petitioner to seek revival of the present writ petition.

9. With the above direction, the present petition and all pending applications, if any, stand disposed of.”

(Emphasis Supplied)

6. By referring to the aforesaid order, learned counsel for the petitioner submits that a demolition order dated 19th September, 2018 was issued by the MCD with respect to the property in question. Consequently, the petitioner had approached the Appellate Tribunal MCD (“ATMCD”) for stay of the demolition order, however, no relief was granted to the owner/occupier of the premises, by the ATMCD.

7. She further submits that the regularization application of the owner/occupier of the property in question was also rejected by the MCD. However, the same is disputed by learned counsel for the respondent no. 4, i.e., Sh. Nooruddin.

8. Responding to the aforesaid submissions, learned counsel for the respondent-MCD has handed over certain photographs to this Court, to show



the current position of the property, three of which, are reproduced as under:



9. By referring to the aforesaid photographs, learned counsel for the



MCD submits that pursuant to the demolition order, having been passed by the MCD in the year 2018, action was taken by the MCD and the whole property was made inhabitable.

10. Subsequently, the owner/occupier of the property in question has approached the MCD and *vide* letter dated 04th December, 2023, sanction has been granted in favour of the owner/occupier of the property in question for erection/re-erection and alteration of the property in question. The Sanction Letter, as attached by the MCD along with its Status Report, is reproduced as under:

FORM- B-1 (Chapter 2, Para 2.3) GRANT OF SANCTION



NAME OF THE SANCTIONING AUTHORITY/ MUNICIPAL CORPORATION OF DELHI

Building Department (HQ) / City S.P. Zone

File No. 10117412 Dated: 04/12/2023

To,

Mr. NOORUDDIN
R/o-8939, RAM BAGH ROAD NAYA MOHALLA, AZAD MARKET, DELHI - 110006.
New Delhi

GRANT OF SANCTION

Sub: Sanction Under Clause 336 of Delhi Municipal Corporation Act, 1957

Dear Sir/Madam,

With reference to your application dated **03/10/2023** for the grant of sanction to erect/re-erect/add to/alteration in the building to carry out the development specified in the said application relating to Plot no. **8850**, Pocket no. **Block no. , Sector no. ,** Situated in/ at **PLOT NO.-8850, SITUATED AT NAYA MOHALLA, PUL BANGASH, AZAD MARKET, DELHI - 110006.** I have to state that the same has been sanctioned on **21/11/2023** by the MCD subject to the following conditions and corrections made on the plans:-

1. The plans are valid up to 03 day of month Dec year 2028.
2. The construction will be undertaken as per sanctioned plan only and no deviation from the bye-laws will be permitted without prior sanction. Any deviation done against the bye-laws is liable to be demolished and the supervising Architect, engaged on the job will run the risk of having his license cancelled.
3. Violation of building bye-laws will not be compounded.
4. It will be duty of the owner of the plot and the Architect preparing the plan to ensure that the sanctioned plans are as per prevalent building bye-laws. If any infringement of the bye-laws remains unnoticed the NORTH DELHI MUNICIPAL CORPORATION reserves the right to amend the plans as and when the infringement comes to its notice and NORTH DELHI MUNICIPAL CORPORATION will stand indemnified against any claim on this account.
5. The party shall not occupy or permit it to occupy the building or use permit the building or part there of affected by any such work until occupancy certificate is issued by the sanctioning Authority.
6. NORTH DELHI MUNICIPAL CORPORATION will stand indemnified and kept harmless from all proceedings in courts and before other authorities of all expenses/losses/claims which the NORTH DELHI MUNICIPAL CORPORATION may incur or become liable to pay as a result or in consequences of the sanction accorded by it to these building plans.
7. The door and window leaves shall be fixed in such a way that they shall not when open project on any street.
8. The party will convert the house into dwelling units of each floor as per the approved parameters of the project and shall use the premises only for residential purpose.
9. The building shall not be constructed within minimum mandatory distance as specified in Indian Electricity Rules



10. The land left open on consequences of their enforcement of the set back rule shall form part of the public street.
11. The thickness of outer walls will be maintained at least 0.23 mt. (9").
12. The basic levels should be got ascertained from the concerned at the site of the construction.
13. The owner will display boards of minimum size of 3 ft. X 4ft. indicating the following
 - i. Plot No. and location
.....
 - ii. Name of lessee/owner
.....
 - iii. Use of the property as per lease deed
.....
 - iv. Date of sanction of Building Plan with No.
.....
 - v. Sanction valid up to
.....
 - vi. Use of different floors and areas sanctioned
.....
 - vii. Name of the Architect & his address
.....
 - viii. Name of the contractor and his address
.....
14. The provision of the display board on the construction site is a mandatory requirement and non-compliance of the same will invite a penalty of Rs. 5000/-.
15. It will be ensured that the construction / demolition work shall be carried out in such a manner that no disturbance/nuisance is caused to residents of the neighborhood.
16. It will be ensured by the owner and the Architect that during the construction the building plans sanctioned shall satisfy all the Environmental Conditions for Buildings and Constructions of Chapter 3, Annexure XIV of these Bye laws and as amended from time to time or any specific orders issued by the Govt.
17. Intimation of Completion of work up to Plinth Level, Plinth Level inspection and the issue of Plinth level Inspection shall be done as per procedures laid down in the Chapter 2 of these bye-laws
18. The building shall be constructed strictly in accordance with the sanction plan as well as in accordance with the certificate submitted jointly by the owner/Architect/Structural Engineer for safety requirement as stipulated in Chapter 9 of these Building Bye-Laws, and the structural Design including safety from any natural hazards duly incorporated in the design of the building as per the Government Of India Notification issued time to time and Annexure VII of these Bye Laws.
19. The mulba during the construction will be removed on weekly basis. If the same is not done, in that case the local body shall remove the mulba and the cost shall be borne by the owner of the plot.



means of erecting a screen wall not less than 8 ft. in height from ground level which is to be painted to avoid unpleasant look from the road side. In addition to this a net or some other protective material shall be hoisted at the facades or the building to ensure that any falling material remains within the protected area.

21. Noise related activities will not be taken up for construction at night after 10.00 PM.

22 (i) Every builder or owner shall put tarpaulin on scaffolding around the area of construction and the building. No person including builder, owner can be permitted to store any construction material particularly sand on any part of the street, roads in any colony.

(ii) The construction material of any kind that is stored in the site will be fully covered in all respects so that it does not disperse in the air in any form.

(iii) The construction material and debris shall be carried in the trucks or other vehicles which are fully covered and protected so as to ensure that the construction debris or the construction material does not get dispersed into the air or atmosphere, in any form whatsoever.

(iv) The dust emissions from the construction site should be completely controlled and all precautions taken in that behalf.

(v) The vehicles carrying construction material and construction debris of any kind should be cleared before it is permitted to ply on the road after unloading of such material.

(vi) Every worker working on the construction site and involved in loading, unloading and carriage of construction material and construction debris shall be provided with mask to prevent inhalation of dust particles.

(vii) Every owner and or builder shall be under obligation to provide all medical help, investigation and treatment to the workers involved in the construction of building and carry of construction material and construction debris relating to dust emission.

(viii) It shall be the responsibility of every builder to transport construction material and debris waste to construction site, dumping site or any other place in accordance with rules and in terms of this order.

(ix) All to take appropriate measures and to ensure that the terms and conditions of the earlier order and these orders should strictly comply with by fixing sprinklers, creations of green air barriers.

(x) Compulsory use of wet jet in grinding and stone cutting.

(xi) Wind breaking walls around construction site.

(xii) All efforts to be made to increase the tree cover area by planting large number of trees of various species depending upon the quality content of soil and other natural attendant circumstances.

(xiii) All the builders who are building commercial, residential complexes which are covered under the EIA Notification of 2006 shall provide green belt around the building that they construct.

23. The sanctioning authority approves Architectural Drawings/Development Control norms with respect to the Building Bye Laws and Master Plan provisions only. The technical drawings/documents submitted by the owner/consultant/Architect/Engineer/Structural Engineer/Landscape Architect /Urban Designer/Engineer for Utility Services are considered as part of the records/information supporting the building permit only. The responsibility of the correctness of information/application of technical provisions fully vests with the owner/consultant/Architect/Engineer/Structural Engineer/Landscape Architect /Urban Designer/Engineer for Utility Services and shall be liable as per laws.

24. No puncture, perforation, cutting, chiseling, trimming of any kind for any purpose are permitted in the structural members (beams / columns) submitted by the structural engineer as structural drawing for building permit in accordance with the relevant structural codes.

25. The sanction will be void ab initio if any material fact has been suppressed or mis-represented or if auxiliary conditions mentioned above are not complied.

Plot No. 8850 Pkt No.



Situated in/at. PLOT NO.-8850, SITUATED AT NAYA MOHALLA, PUL BANGASH, AZAD MARKET, DELHI - 110006.
Delhi.

Note: - Given below is the Remark provided by concern sanctioning authority:-

"competent authority vide orders dated 21/11/23 had granted the online approval to the proposal subject to deposit of the requisite charges. The applicant has now deposited the Plan fee. The sanction had been accorded based on documents/plans /details/ Undertakings/ Indemnity Bond/ Drawings/ corrected drawings/ NOCs etc, uploaded by the architect/owner. The onus wrt the genuineness/correctness of the uploaded documents lies with the owner/architect, the MCD will not be responsible for any dispute if arises in the future at any stage, wrt shape, size area of plot, discrepancy in the existing construction, Right of Way, ownership etc. and shall be at the liberty to take actions against such discrepancy/misrepresentation / fraudulent statement in contravention of UBBL-2016, MPD-2021, if found/noticed at any stage.

1. In case of any change from the Sanctioned Building plan, if intended at any stage, the Applicant shall obtain the prior approval / Sanction from the competent authority.

2. All conditions/ regulations of other agencies whatsoever applicable, shall have to be adhered during the course of construction.

3. The Unified Building Bye Laws-2016 (Amended up to date) and Green Building Norms, as per Chapter-10 of UBBL-2016 (as applicable), be adhered to during construction.

4) This sanction granted under EODB is for the occupancy proposed in this instant proposal only and shall not be construed to authorize any person to do anything in contravention or against the terms of lease/ title of the land/provisions of UBBL and MPD/ relevant regulations/ ordinance etc. The proposed building to be occupied only after obtaining prior NOC from all the concerned agencies including getting Occupancy Cum Completion Certificate from the Zonal building Department.

5) Difference of amount if pointed out at any stage in future, it will be onus on the part of applicant to deposit the same to the North DMC

6) The non-compliance may lead to the revocation of the Building Plan.

"

Encl: One set on sanctioned plan

Yours Faithfully
Assistant Engineer (Building)
HQ /City S.P. Zone(digital
signature)
For Commissioner MCD

Copy to: (1) E.E. (Bldg.)City S.P. Zone
(2) AA & C (HQ/City S.P. Zone)

Signature Not Verified
Digitally signed by RAJ
KUMAR GARG
Date: 2023.12.04 16:38:02 IST



11. Attention of this Court is drawn to the Status Report dated 15th September, 2025 filed on behalf of the MCD, wherein, it is stated as follows:

“xxx xxx xxx

4. That it is submitted that owner/occupier had got a sanctioned building plan vide I.D. No.10117412 dated 04.12.2023 in respect of property bearing no. 8850, Situated at Naya Mohalla, Pul Bangash, Azad Market, Delhi-110006 and the re-tiles work is being done only in that portion. Further it is submitted that in compliance of the direction passed by the Hon'ble Court the property in question was inspected by the officials of the Building Department, City S.P. Zone on 12.09.2025. During the inspection it was noticed that no fresh construction is being carried out in the subject property nor any building material was found stacked at site. It is further submitted that only some re-

tiling work is being done by the owner/occupier in the sanctioned portion of the property. A copy of sanction letter dated 04.12.2023 is annexed herewith as **Annexure-A**.



5. That it is submitted that as directed by this Hon'ble Court, property bearing no. 8873, Naya Mohalla, Pul Bangash, Azad Market, Delhi-110006 owned by petitioner has been inspected by the officials of the Building Department, City S.P. Zone on 12.09.2025. During inspection on the basis information gathered from the inhabitants, it is found that the said property is comprise of ground floor, first floor and second floor which is old and occupied. In the said property the petitioner is residing on the ground floor and remaining floors are occupied by other occupants. Further as per the record, there is no sanctioned building plan in respect of said property. In addition to this it is also found that the petitioner is running his office from the ground floor of property bearing no.8933, Naya Bans, Azad Market, Delhi-110006. Photographs showing current status of the petitioner properties are annexed herewith as **Annexure-B(Colly)**.

”

12. Perusal of the aforesaid Status Report filed on behalf of the MCD shows that, as of now, the owner/occupier of the property in question is only doing the re-tiling work, and no fresh construction is being carried out in the subject property. Further, no building material was found stacked at the site.

13. This Court also takes note of the Status Report dated 15th September, 2025, filed on behalf of the Delhi Police, relevant portions of which, are reproduced as under:



“xxx xxx xxx

2) In this regard, it is submitted that concerned property had been visited by the beat Head Constable Adish Kumar on 08.09.2025 and it was found that marble work being done inside the premises and some labour was doing the electricity work. The Beat Head Constable Adish Kumar informed the concerned landowning agency i.e. MCD through MCD control room about the construction at 8850, Naya Mohalla through phone and the same was lodged vide complaint No. 1302.

3) It is stated that raising of construction/building was not found at the concerned site on 08.09.2025. Beat Head constable HC Adish Kumar again visited the concerned site on 09.09.2025, but no construction work was found there. Photographs of the property are enclosed (**Annexure-A**) herewith for your kind perusal. It is further submitted that owner of the property/respondent No. 4, Nooruddin stated that he has a sanction plan issued from the Building department, City S.P Zone of Municipal Corporation of Delhi vide No. File No. 10117412 dated 04.12.2023 and provided a copy of the same which is enclosed (**annexure-B**) for your kind perusal. It is further submitted



that, in future, when ever land owning agency i.e MCD demands for police assistances, the same will be provided as and when required.

However, the undersigned is willing and is duty bound to abide by the direction/ orders passed by this Hon'ble Court.

Inspector Rajeev Ranjan
Station House Officer
P.S Bara Hindu Rao, Delhi

14. Perusal of the Status Report of the Station House Officer (“SHO”), Police Station-Bara Hindu Rao, shows that during inspection, owner of the property in question, had also provided the police with the Sanctioned Building Plan dated 4th December, 2023 from the Building Department, City SP Zone, MCD to the police. Further, no construction work was found by the police on the site in question.

15. Considering the submissions made before this Court, it is directed that the MCD shall ensure that any construction work carried out in the property in question is done strictly in accordance with law, and as per the Sanctioned Plan granted by the MCD.

16. In case, the petitioner is aggrieved by the grant of sanction with respect to the property in question, the petitioner is at liberty to seek his remedies, in accordance with law.

17. At this stage, learned counsel for the petitioner draws the attention of this Court to the photographs, attached with the Status Report of the Delhi Police, which are reproduced as under:



9. 10





18. By referring to the aforesaid photographs, it is submitted that building material is stacked inside the building.

19. Learned counsel for the petitioner submits that the Status Reports, filed by the MCD and Delhi Police, are not proper.

20. In response to the same, learned counsel for the respondent no. 3 submits that construction of toilet and kitchen is being done in accordance with the Sanctioned Building Plan.

21. Accordingly, it is directed that the MCD and SHO of the local police station shall ensure that any construction done by the owner/occupier of the property in question, is done strictly as per the Sanctioned Building Plan, and in case of any deviations or excess coverage, appropriate action shall be taken.

22. Liberty is also granted to the petitioner 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., and other connected matters*** in ***W.P.(C) 1807/2018***, and ***Fazruddin Versus DDA and Ors.***, in ***W.P.(C) 4649/2017***, in case, the petitioner is aggrieved by any unauthorized construction which is still being carried out in the property in question.

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

MINI PUSHKARNA, J

SEPTEMBER 24, 2025/au