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

+ **W.P.(C) 10026/2019 & CM APPL. 41491/2019**

BABITA PAL

.....Petitioner

Through: Mr. Ankit Jain, Sr. Adv. with Mr.
H.S. Sodhi, Mr. Praveen Pandey and
Mr. Rishabh Jain, Advs.
M: 8218243622
Email:
advpandey.praveen@gmail.com

versus

**SOUTH DELHI MUNICIPAL CORPORATION
AND ANR.**

.....Respondents

Through: Mr. Mir Akhtar Hussain, Adv. (R-4 in
person) (Through VC)
Mr. Karan Sharma, SC with Mr.
Mohit Siwach, Adv.
M: 9999777847
Email: karan.sh70@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
28.03.2025

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1. The present writ petition has been filed for directing respondent no.1 Municipal Corporation of Delhi ("MCD"), to demolish the unauthorized construction existing on the property bearing no. *D-52B, Indira Enclave, Neb Sarai, New Delhi.*
2. Learned Senior Counsel appearing for the petitioner submits that unauthorized construction exists in the property in question, which is owned by the petitioner.
3. He further submits that respondent no. 2 herein, is wrongly claiming



to be the owner of the property in question and has filed a suit being *CS(OS) 1949/2011*, thereby, challenging the ownership of the petitioner in respect of the property in question.

4. Attention of this Court has been drawn to the Status Report filed on behalf of the MCD, wherein, it has been stated as follows:

“xxx xxx xxx

3: That upon referring to the records maintained and made available , the status of the actions as already initiated / taken in by the department is entailed as below:-

i) It is submitted that the subject property has been identified as property bearing No. D-52, Indira Enclave, Neb Sarai New Delhi and upon referring to the official record, it has been revealed that the said property stands booked vide file No. 604/UC/B-II/SZ/17 dated 06/12/2017, for unauthorized construction in the shape of entire of Second floor over existing and occupied (Stilt, Ground floor, First floor) and further booked vide file No. 433/UC/B-II/SZ/19 dated 15/12/2019 in the shape of Second floor , Third floor and Fourth floor partly (old and occupied) (in continuation of previous booking No. 604/UC/B-II/SZ/17 dated





06/12/2017) for taking necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law the necessary demolition order has also been stands passed by the competent authority i.e. the AE (Bldg), South Zone vide dated 14/12/2017. The copy of the demolition order / notice in this regard is annexed herewith as **Annexure-A.**

ii) That furthermore, a letter bearing No. D-2540/EE(B)-II/SZ/17 dated 15/12/2017 u/s 344 (2) of the DMC Act, has also been sent to SHO, PS. Neb Sarai, 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 the said letter is annexed as **Annexure -B.**

iii) Further letter for disconnection of electricity and water supply from the aforesaid property was also sent to the concerned authorities vide letter No. D/2533/EE(B)-II/SZ/17 dated 15/12/2017. Copy of the said letter is annexed as **Annexure -C.**

iv) Moreover, a letter bearing No. D/2534/EE(B)-II/SZ/2017 dated 15/12/2017 was also sent to





the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is annexed as **Annexure -D.**

- v) That besides this, prosecution action u/s 466-A of the DMC Act, has also been initiated against the owner / occupier of the subject property and a complaint letter bearing No. D-2923/DC/SZ/2017 dated 19/01/2018 has already been sent to concerned SHO, PS neb Sarai. The copy of the said complaint is annexed herewith as **Annexure -E.**
- vi) That further it is also relevant to point out that in respect of the property in question the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and upon following due process of law the necessary scaling order is also stand passed by the competent authority that is DC/SZ vide dated 04/04/2018. The sealing order as passed in this regard is annexed herewith as **Annexure -F.**

xxx xxx xxx”

5. It is pointed out that the sealing action was taken on 04th April, 2018, and second, third and fourth floor of the property in question was sealed by affixing seals at two points at respective entrance gates of each flats at second floor.



6. However, learned Senior Counsel appearing for the petitioner draws the attention of this Court to the fact that despite the sealing action taken by the MCD, the seals affixed by the MCD, have been tampered with.
7. At the outset, learned Senior Counsel appearing for the petitioner submits that he does not press the petition against the respondent no. 4, in view of the averments made in the counter affidavit.
8. This Court notes that since there is civil dispute pending between the petitioner and respondent no. 2 with respect to ownership of the property, this Court will not be a party to any private *lis* between the petitioner and respondent no. 2.
9. However, in view of the fact that action has already been initiated by the MCD, it is directed that the MCD shall take appropriate action against the unauthorized construction existing in the property in question, in accordance with law.
10. Further the matter is referred to the Special Task Force (“STF”), constituted by the Supreme Court.
11. The action taken by the MCD against the unauthorized construction, shall be duly updated on its website, by the STF.
12. In case the petitioner has any grievance with respect to any non-action as regards any unauthorized construction, the petitioner is at liberty to approach the STF in that regard.
13. With the aforesaid directions, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025/kr