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

+ CONT.CAS(C) 1380/2023, CM APPL. 65893/2023, CM APPL. 55223/2024, CM APPL. 55224/2024 & CM APPL. 46809/2025

GREEN AVENUE WELFARE ASSOCIATIONPetitioner

Through: Mr. Ashu Arora, Advocate.

versus

GNCT OF DELHI & ORS.

.....Respondents

Through: Mr. Vikas Chopra, SC for MCD with Mr. Neeraj Kumar, Ms. Anita R Mishra and Ms. Khushi, Advocates with Mr. Sajeev Kr., Ex. Engg. And Mr. Subham Bansal, AE for MCD. Ms. Sapna Chauhan, Advocate for DDA.

Mr. Uttam Dutt, Senior Advocate with Mr. Vishal Singh and Ms. Sonakshi Singh, Advocates for intervener.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.09.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 12 of the Contempt of Courts Act, 1971 seeks following prayers:-

“(a) The Respondents be proceeded under the provisions of Contempt of Court Act and be punished in accordance with law for making wrong submissions before this Hon'ble court and for deliberate and wilful breach of the orders dated 18/08/2023 passed by this Hon'ble court in Writ Petition (Civil) No.10976 Of 2023 titled as Green Avenue Welfare Association Versus GNCT of Delhi & Ors.

(b) Direct the respondents to fix the responsibilities of their officers who are responsible for inaction in stopping the unauthorised



development/construction in khasra nos. 53//24, 23 22, 21/2, 72//4, 7, 3, 8, 2, 9, 1/2, 10, 53//18, 19, 20 total 15 acre, village Mahrauli, behind Bhawani Kunj colony, near Green Avenue Lane, Vasant Kunj, New Delhi and punish them in accordance with law for wilful disobedience of the order dated 18/08/2023.

(c) Such other and further order which this Hon'ble court deems fit and proper may also be passed in favour of the petitioner including the orders related to costs/compensation against the respondent for causing unnecessary harassment to the petitioner herein by making wilful default of the specific orders passed by this Hon'ble court.”

3. *Vide* order dated 18.08.2023 learned Single Judge while disposing of the W.P.(C) 10976/2023 passed the following directions:-

“2. Mr. Ajjay Aroraa, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the land in question has been identified and four unauthorised structures have been found therein, which MCD has identified as Khasra Nos. 153/19, 20, plot nos. 9, 10, 11, 12 near Sai Kunj Colony, Vasant Kunj New Delhi. The unauthorised constructions have already been booked, show cause notices and stop work notices have been issued, and sealing action has also been initiated in respect of the unauthorised construction. Mr. Aroraa states that upon receiving replies to the show cause notices, if any, MCD will take further action in accordance with law expeditiously and in any event, action will be initiated within two months from today.

3. Having regard to the aforesaid submissions, no further orders are required in this writ petition, which stands disposed of.

4. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any of the owners/occupants of the subject property. Their statutory remedies remain reserved. The MCD is directed to act strictly in accordance with law, and after compliance with all statutory formalities.

5. In the event, the petitioner has any further grievance, with regard to unauthorised construction, he may approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. This direction is made with reference to the decision of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018 and connected matters], followed by another decision of the Division Bench in Sneha



Lata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245/2019], by a recent decision of the Division Bench in Himanshu vs East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and by a decision of the learned Single Bench in Abdul Gaffar vs South Delhi Municipal Corporation & Ors. [order dated 28.02.2019 in W.P.(C) 1773/2019].”

4. During the pendency of the present petition various status report have been placed on record by the MCD to demonstrate that the necessary action has been taken with respect to the aforesaid properties.

5. Status report dated 20.09.2025 authored by Mr. Sanjeev Kumar, Executive Engineer (BLDG)-II, South Zone, MCD, Green Park, Delhi in pursuance of orders dated 05.05.2025 and 01.08.2025 passed by this Court has been placed on record, wherein it has been recorded as under:-

“5. That pursuant to the orders / directions passed by this Hon’ble Court, till time, the answering respondent – MCD has filed 06 affidavits vide diary No. 1894182/2023 dated 11/10/2023, diary No. 2045221/2023 dated 08/11/2023, diary No. 780815/2024 dated 15/03/2024, diary No. 3927139/2024 dated 19/09/2024, diary No. 751726/2025 dated 01/02/2025 and diary No. 3030538/2025 dated 30/04/2025.

6. That vide aforementioned earlier status / action taken reports I affidavits filed, the details of the requisite actions initiated / taken in respect of aforementioned properties have already been placed before this Hon'ble Court. The contents of the same are reiterated and not repeated herein for the sake brevity / repetition.

7. That as can be observed from the aforesaid earlier affidavits / status reports as filed, that pursuant to the demolition / sealing orders passed, various actions were taken by the department in respect of subject properties and other properties details of which provided subsequently.

8. That during the proceedings held on 05/05/2025 before this Hon'ble Court, the petitioner herein has referred about a building constructed behind Farm House No. 7 in Green Avenue Lane, Vasant Kunj, New Delhi. On inspection carried out by the area field staff of Building Department -II of South Zone – MCD, this property is infact the property i.e. Plot No. 13, 14, New Colony, New Sai Kunj Colony, Vasant Kunj, New Delhi which is one of the identified 05 properties as referred in the above mentioned status reports i affidavits already filed



before this Hon'ble Court.

On inspection and referring to the record, the following status has been ascertain:

a. During inspection, it has been noticed that despite sending of watch and ward letters to Police Authority, the earlier demolished portions at Stilt, Ground and First floor have been repaired by the owner / builder and also occupied the same residentially by tampering with the seals affixed earlier. As regards, Second floor and partly constructed Third floor, the earlier demolished portions have been found lying demolished in terms of earlier actions. The photograph showing the latest status of this property are annexed herewith as Annexure - A.

b. As per record, pursuant to already passed demolition / sealing orders, the following actions have been tried i taken I carried out till time in respect of this property:

S.No.	Date of Action	Action Taken
1.	01/09/2023	Action could not be taken due to non-availability of police force.
2.	22/09/2023	Action could not be taken due to shortage of time.
3.	26/09/2023	During the Special Demolition / Sealing action programme 10 RCC panels have been demolished / cut down (02 panels at each floor) at Stilt floor roof, Ground floor roof, First floor roof Second floor roof Third floor roof and 03 RCC panels at balcony cut down at Stilt floor roof, Ground floor rood and First floor roof.
4.	06/10/2023	Upon availability of police force, 02 slabs portions each at Stilt floor slab & Ground floor slab cut down by gas cutter.
5.	18/10/2023	Upon availability of police force, 02 slabs of RCC panels each at First floor and Second floor have been demolished /



		cut down with the help of gas cutter.
6.	20/11/2023	Upon availability of police force, property sealed at main gate at 02 points.
7.	05/03/2024	During the course of action, the earlier seals affixed by the department \Mere found tampered with, however, property has been re-sealed at main gate at 02 points.
8.	13/03/2024	On the instance of tampering of seals affixed by the department, a complaint dated 13/03/2024 has been sent to DCP South West District, Vasant Vihar, New Delhi for lodging of an FIR against the violators / offenders.
9.	30/05/2025	Action could not be taken due to non availability of police force.
10.	21/07/2025	Action could not be taken due to shortage of time.
11.	30/07/2025	During the course of action, Second floor has been sealed at 01 points.
12.	08/08/2025 & 10/09/2025	Action could not be taken due to non availability of police force.

The photographs of the actions as taken I carried out on 30/07/2025 are annexed herewith as Annexure -B (Colly).

c. Further, on taking the sealing action vide dated 30/07/2025, a letter has also been sent to concerned, SHO PS Vasant Kunj (South), New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the seals affixed by the department may not be tampered with. Copy of the said letter is annexed herewith as Annexure -C.



9. That further pursuant to directions of this Hon'ble Court dated 01/08/2025 as passed in CM Application No. 46809/2025, the referred property has also been inspected by the area field staff of Building Department -II of South Zone - MCD and upon comparing the satellites pictures annexed as Annexure - P - 1, Annexure - P - 2 and Annexure - P --3, the properties as identified are infact properly bearing Plot No. 40, New Colony, Near Sai Kunj, Vasant Kunj, New Delhi and also property i.e. Plot No. 13, 14, New Colony, Near Sai Kunj Colony, Vasant Kunj, New Delhi, which are amongst the identified 05 properties as referred in the above mentioned status reports / affidavits already filed before this Hon'ble Court.

On inspection and referring to the record, the following status has been ascertain in respect of the said properties:

A, Plot No. 13. 14, New Colony" Near Sai Kuni Colony, Vasant Kuni. New Delhi:

i. Status in respect of this property already detailed in para 8 above.

B. Plot No. 40. New Colony. Near Sai Kuni. Vasant Kuni. New Delhi.

i. During inspection, it has been noticed that the owner / occupier reconstructed this property, which was earlier demolished by the department on 06/10/2023 and upon noticing the same, the department has also taken further actions pursuant to the demolition / sealing orders already passed, as per the details given herein below:

S.No.	Date of Action	Action Taken
1.	01/09/2023	Action could not be taken due to non-availability of police force.
2.	22/09/2023	Upon availability of police force, 06 RCC panels have been demolished / cut down at Balcony portion of each floor (Stilt floor roof, Ground floor roof, First floor roof) and walls demolished at Stilt, Ground and First floor.
3.	26/09/2023	During the Special Demolition / Sealing action programme 03 RCC columns at Stilt floor have been demolished with the help of breaker machine and slab



		portion at Stilt floor damaged by same machine.
4.	06/10/2023	Upon availability of police force, whole structure has been demolished. (Stilt Ground floor, First floor).
5.	30/05/2025	Action could not be taken due to non availability of police force.
6.	22/07/2025	Action could not be taken due to shortage of time.
7.	30/07/2025	Upon availability of police force, 02 RCC panels (balcony) have been demolished / cut down at First floor roof and whole property sealed at 04 points at main entrance.
8.	08/08/2025 & 10/09/2025	Action could not be taken due to non availability of police force.
9.	17/09/2025	Upon availability of police force, 01 RCC panel has been cut down / demolished at First floor roof. Beside this, First floor has been sealed at 02 points. Simultaneously, on the instance of tampering of seals affixed by the department, the necessary proceedings for lodging of an FIR against the violators / offenders has been initiated / processed.

The photographs of the actions as taken on 30/07/2025 and 17/09/2025 alongwith copy of no force letters are annexed herewith as Annexure -D (Colly).

10. That besides above, the department has also taken / carried out further actions in respect of Property bearing Plot No. 21, Near Sai Kunj Colony, Vasant Kunj, New Delhi pursuant to already passed demolition



/ sealing orders on 3010512025 as per below given details:

S.No.	Date of Action	Action Taken
1.	30/05/2025, 08/08/2025 & 10/09/2025	Action could not be taken due to non availability of police force.
2.	16/09/2025	Upon availability of police force, 01 RCC panel has been demolished / cut down at Third floor roof with the help gas cutter. Simultaneously, on the instance of tampering of seals affixed by the department, the necessary proceedings for lodging of an FIR against the violators / offenders has also been initiated / processed. - After taking the aforesaid demolition action, a watch and ward letter dated 18/09/2025 has also been sent to concerned, SHO PS Vasant Kunj (South), New Delhi

The Photographs taken during the aforesaid demolition action along with watch and ward letter as sent are annexed herewith as Annexure-E (Colly).

12. That further it is stated that the petitioners herein have provided the details of 22 properties which pertains to them. On inspection and noticing the unauthorized construction in respect of the same, the details of the actions as initiated by the department have been given in chart, which is annexed herewith as Annexure - G.

As can be observed from the above chart annexed that 06 nos. of properties as mentioned as serial No. 1, 13, 18, 20, 21 and 22 could not be identified / traced, hence, keeping in view of the same, the necessary directions be given to the petitioners to assist the officials of the answering Respondent- MCD to identify / trace the same.

13. That so as to take further action in respect of the properties involved in the instant Contempt Petition, the department has now fixed the further action programme for 24/09/2025 and 25/09/2025 and which



will be taken / carried out upon availability of police force.”

6. In view of the above, the present petition is disposed of with directions that the scheduled programme for 21.09.2025 and 25.09.2025 shall be carried out by the MCD. Needless to state, on a request being made, the concerned SHO shall provide assistance in accordance with law.
7. In case of any unauthorised construction, the petitioner is liberty to approach the STF in accordance with law and the latter shall take necessary action with regard to the aforesaid.
8. The present petition is disposed of.
9. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

SEPTEMBER 22, 2025/sn