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

+ W.P.(C) 8702/2025 & CM APPL. 37268/2025

MINAKSHI

.....Petitioner

Through: Mr. Arun Kumar Verma, Advocate

versus

THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Sunil Goyal, ASC for MCD with
Mr. Nitin Kala and Ms. Deepa
Rathore, Advs. for MCD.

Mob: 9811056767

Email: goyalsco86@gmail.com

Mr. Vinay Yadav, CGSC with Mr.
Neeraj, Ms. Kamna Behrani and Mr.
Ansh, Advs. for R-3 & 4.

Mob: 6238481560

Mr. Tushar Sannu and Ms. Ishika
Jain, Advs. for R-STF

Mob: 9911991166

Email: advtusharsannu@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.10.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to take action against the unauthorized construction and encroachment, carried out by respondent no. 6 over the *Shop No. 1* at property bearing *No. 334, 334-G (New No.), (Old No. being A-8), in Khasra No. 157, area measuring 10 Sq. Yards, Batla House Chowk, Near Jamia Co-*



operative Bank, New Delhi-110025.

2. Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), which is taken on record. The relevant portions of the Status Report, read as under:

"xxx xxx xxx

3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone of MCD has inspected the same and also referred to record maintained in this office. The status of the actions as initiated/ taken against subject properties are detailed herein below:-

- i. During inspection by the concerned field staff subject property has been identified as Property Adjoining A-09, Main Road, Baila House, New Delhi.
- ii. **Demolition Proceedings u/s 343/344 of the DMC Act**- As per record, demolition proceedings against subject property u/s 343/344 of the DMC Act already stand initiated vide U/c file No. 112/B/UC/EE(B)-I/CNZ/2025 dated 19.03.2025 for the unauthorised construction in the shape of entire Ground Floor and First Floor and accordingly, a Show Cause Notice u/s 344(1) and 343 of the DMC Act bearing No. 21063 was issued in the name of Shri Anas with the directions to attend the personal hearing on 02.04.2025 and submit his reply within 15 days, as to why orders of demolition as required under section 343 of the DMC Act should not be passed in respect of the unauthorised construction already carried out and the unauthorised construction, if any, carried out after the issue of this show cause notice. However, the Owner/





Builder of the property neither attended the hearing proceedings nor filed his reply, accordingly, after following due process of law, demolition order in respect of subject property was passed on 15.04.2025. Copies of show cause notice dated 19.03.2025 alongwith demolition order passed on 15.04.2025: are annexed herewith as **Annexure: A (Colly).**

iii. **Work stoppage letter u/s 344(2) of the DMC Act:-**

Upon noticing the aforesaid unauthorized construction, work stop letter u/s 344(2) of the DMC Act bearing No. D/332/AE(B)-I/CNZ/2025 dated 24.03.2025 was sent to the SHO, PS Jamia Nagar with the request that unauthorized construction activity be stopped by the police immediately and workmen present in the premises be removed and construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site. Copy of work stoppage letter dated 24.03.2025 as sent is annexed herewith as **Annexure: B.**

iv. **Disconnection of Water & Electricity-** The answering respondent vide letters No. D/346/AE(B)-I/CNZ/2025 dated 26.03.2025 has also referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity of the subject property. The office of Sub-Registrar was also requested for not registering the said property.



Copy of the letter as sent to BSES, DJB and Sub-Registrar on 26.03.2025 is annexed herewith as **Annexure-C.**

4. That, pursuant to demolition order passed, action against subject property was planned for 11.06.2025. Upon reaching the site, the Owner/ Builder informed that construction at subject property is being carried after obtaining Building Plan sanctioned under Saral Scheme from a empanelled professional vide ID No. 20018575. Copy of building plan as sanctioned vide ID No. 20018575 is annexed herewith as **Annexure: D.**
5. That, as per clause 3.1.1.2 of Unified Building Bye-Laws-2016, Architects/ Engineers (as per entitlement) are empowered to grant sanction of building plan for residential building falling under "Low Risk Category". The low risk category is defined as vacant plot from 105 SQM upto 500 SQM in size and below 15 Meter height. Under Saral Scheme, absolute reliance is made on the submissions of Owner(s) and his/ her Architect regarding compliance of relevant provisions of Building Bye Laws-2016/ Master Plan/ Zonal Plan in the submitted proposal. Therefore, Owner, Architect and Structural Engineer are to remain responsible for any shortcoming or misrepresentation or non-compliance of applicable provision of UBBLs-2016/ Master Plan-2021 in submitted proposal. Copy of para 3.1.1.2 of MPD-2021 is annexed herewith as **Annexure: E.**



6. That, the building plan sanctioned by the professional, in respect of subject property vide ID No. 20018575 , is being scrutinized by this answering respondent.
7. That, further action in this context shall be taken, in due course of time, after following due process of law. „

3. Perusal of the aforesaid Status Report shows that construction in the subject property is being carried out under the Sanctioned Building Plan obtained under the SARAL Scheme.
4. Likewise, a Status Report has been filed on behalf of the Special Task Force (“STF”), which is taken on record.
5. Considering the aforesaid submissions that the construction in the property is being undertaken in terms of the Sanctioned Building Plan, the MCD is directed to ensure that construction is done strictly in accordance with the Sanctioned Building Plan.
6. With the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

OCTOBER 15, 2025

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