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

+ W.P.(C) 11142/2019 & CM APPL. 45892/2019

MOHD. AFSAR

.....Petitioner

Through: Petitioner in person.

(M): 9811475852

Email: afsar4234mohd@gmail.com

versus

NORTH DELHI MUNICIPAL CORPORATION AND

ORS.

.....Respondents

Through: Mr. Anand Prakash, SC, MCD with

Ms. Varsha Arya and Mr. Satbeer

Prajapati, Advocates for MCD.

(M): 8851801293

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.03.2025

1. The present petition has been filed seeking directions to respondent no. 1, i.e. Municipal Corporation of Delhi ("MCD") to take necessary action against the illegal construction by respondent no. 3 in Property bearing no. 4188, Gali Fazal Hasan and Gali Shahtara, Ajmeri Gate, Delhi-110006.

2. Learned counsel appearing for the respondent MCD draws the attention of this Court to the Status Report filed on behalf of MCD, wherein, it is stated as follows:

"xxx xxx xxx

3. *That it is respectfully submitted that during the inspection by the*



field officials on 17.10.2019, unauthorized construction in the shape of ground floor, first floor, second floor and third floor in property bearing no.4188, Gal Fazal Hasan, Gali Shahtara, Ajmeri Gate, Delhi- N9006 was noticed and as such the same was booked under section 343 & 344 of the DMC Act vide file no.193/UC/86-N/EE)(B)-II/CSPZ/2019 dated 17.10.2019 and a show cause notice dated 17.10.2019 was issued to owner to show cause as to why demolition order in respect of aforesaid unauthorized construction be not passed. It is submitted that after following the due process of law demolition order no.EE(B)-II/CSPZ/2019/D-1249 dated 30.12.2019 has been passed thereby directing the noticee Sh. Farman Ali to demolish the said unauthorized construction within 06 days failing which action shall be taken at his risk and cost. A copy of said demolition order dated 30.12.2019 is annexed herewith as **Annexure-A**.

xxx xxx xxx

8. It is submitted that after following the due process of law sealing order no. DC/EE(B)-II/CSPZ/S.O./D-156 has been passed by the competent authority which has been executed on 18.05.2023. In this action first floor was sealed at one unit one point and the second floor was hogaed at one unit one point. A copy of sealing order executed on 18.05.2023, Photographs showing sealing action on 18.05.2023 and letter no.D- 218/AE(B)/CSPZ/2023 dated 18.05.2023 issued to SHO P.S. Kamla Market for watch and ward of the sealed property are annexed herewith as **Annexure-B, C & D** Respectively.”

3. Perusal of the aforesaid Status Report shows that the property in question has already been sealed by the MCD and is lying sealed since 18th May, 2023.
4. Thus, it is evident that requisite action has already been initiated by the MCD.
5. The MCD is directed to take further requisite action for demolition of the unauthorised construction.
6. In case, the petitioner is still aggrieved by any non-action on part of the respondent MCD, the petitioner is at liberty to initiate appropriate legal proceedings.
7. With the aforesaid directions, the present writ petition, along with the



pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 21, 2025

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