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

+ W.P.(C) 4379/2021

M/S SHANTI KUNJ (MAIN) RESIDENTS WELFARE SOCIETY
(REGD.)Petitioner

Through: Mr.Aaditiya Vijay Kumar, Ms.
Akshita Katoch and Mr. P. Kannan,
Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION
& ORS.Respondents

Through: Ms. Richa Dhawan, SC and Mr. Anuj
Chaturvedi, SC with Mr. Agam
Rajput, Adv. for MCD
Mr. Sameer Abhyankar, Mr. Krishna
Rastogi and Mr. Aryan Srivastva,
Advs. for R-7 to 9
Mr. Vijay Kinger, Ms. Roopa Nagpal,
Mr. Ashwani Gehlot and Mr.
Abdhesh Kumar, advs. for R-8
Mrs. Avnish Ahlawat, SC with Ms.
Aliza Alam and Mr. Mohnish
Sehrawat, Advs. for R-2
Mr. Aman Nandrajog and Mr. Gagan
Jaglan, Advs. for R-4

+ W.P.(C) 372/2022

SHANTI KUNJ MAIN RESIDENTS WELFARE
SOCIETYPetitioner

Through: Mr.Aaditiya Vijay Kumar, Ms.
Akshita Katoch and Mr. P. Kannan,



Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Richa Dhawan, SC and Mr. Anuj Chaturvedi, SC with Mr. Agam Rajput, Adv. for MCD
Rastogi and Mr. Aryan Srivastva, Advs. for R-7 to 9
Mr. Vijay Kinger, Ms. Roopa Nagpal, Mr. Ashwani Gehlot and Mr. Abdhesh Kumar, advs. for R-8
Mrs. Avnish Ahlawat, SC with Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs. for R-2

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
16.09.2025

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1. W.P.(C) 4379/2021 has been filed seeking directions to the respondents to stop and remove the unauthorized construction at *Plot No. 40, Shanti Kunj Main, Church Road, Delhi-110070* and *Plot No. 98A/98, Shanti Kunj, Vasant Kunj, Delhi-110070*.
2. Writ petition being W.P.(C) 372/2022 has been filed seeking to directions to the respondents to take possession of the lands under the high tension wires, being government land, which are incapable of being sold and used for private purposes.
3. This Court notes that the present petitions have been pending for almost four years and various Status Reports have been filed with respect to various actions that have been taken on behalf of the Municipal Corporation



of Delhi ("MCD).

4. Status Report dated 10th September, 2021 on behalf of MCD filed, with regard to the action taken, reads as under:

"xxx xxx xxx

2. That in order to ascertain the status of subject property bearing plot No. 40, Shant Kunj main, Vasant Kunj, New Delhi and plot No. 98/98A, Shanti Kunj, Vasant Kunj, New Delhi, the concerned area field staff of Building Department-II of South Zone/SDMC has inspected the same as well as referred to the available record.

On inspection and on referring to the record available in this regard the property wise status of actions as taken / carried out is entailed herein below:-

A.) Property / Plot No. 40, Shanti Kunj Main, Churh Road, New Delhi.

- i) At the outset it is submitted that based on site inspection and consulting the available



record it has been revealed / observed that the plot No. 40 Shanti Kunj Main, Church Road, New Delhi is single storeyed building.

- ii) As per record the said property is already stands booked vide file No. 599 /UC/B-II/SZ/2018 dated 14/11/2018 in the shape of erection of walls at level of Ground floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law in this regard the necessary demolition order/ notice also stands passed by the competent authority i.e. the AE (Bldg), South Zone on 27/11/2018.

- iii) Furthermore a letter vide No. 3055 /AE(B)/SZ/2018 dated 03/12/2018 u/s 344 (2) of the DMC Act, has also been sent



- to SHO, PS. Vasant Kunj New Delhi with the request that the unauthorized construction be stopped and workmen present at site / this property in question be removed and construction material including the tools , machinery, etc. be seized. Copy of the said letter is annexed as **Annexure - A**
- iv) Besides this letter No. 3094 /AE(B)/SZ/2018 dated 05/12/2018 for disconnection of electricity and water supply from the aforesaid property have also been sent to the concerned authorities. Copy of the said letter is annexed as **Annexure - B**
- v) Moreover, letter No. 3052/AE/(B)/SZ/2018 dated 03/12/2018 has also been 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 - C**

Commissioner
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vi) Further it is also relevant to point out that in respect of this property in question the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and after complying with the mandatory provisions as contained under the relevant Act, the necessary sealing orders has also been passed by the competent authority i.e. Dy. Commissioner of South Zone /SDMC on 22/01/2019. Copy of sealing order as passed in this regard is also annexed as **Annexure -D**

vii) Further it is also pertinent to mention here that in order to execute the aforementioned demolition/ sealing orders, the Building Department -II of South Zone/SDMC also tried / taken / carried out the demolition action as per details entailed herein below:-

S.No.	Date	of	Action taken





	Action	
1	11/12/2018	During the course of action brick walls , columns and beam shuttering work at the level of Ground floor have been demolished with the help of JCB. After the said demolition action, the property has been made unusable / uninhabitable, upon availability of police force.
2	12/03/2019	Action could not be materialized due to shortage of time.
3	25/04/2019	Action could not be



		taken due to non availability of police force.
4	03/06/2019	Action could not be materialized due to shortage of time.
5	11/06/2020	Action could not be taken due to non availability of police force.
6	09/07/2020	Action could not be taken due to non availability of police force.
7	19/07/2021	Action could not be taken due to heavy rain.
8	05/08/2021	Action could not be taken due to non



		availability of police force.
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The photographs taken during the aforementioned demolition action are annexed herewith as **Annexure -E (Colly)**.

- viii) Moreover, it is also stated here that after having been taken the aforementioned demolition action, a letter bearing No. 3144/AE(B)/SZ/2018 dated 12/12/2018 has also been sent to concerned SHO, PS Vasant Kunj,(South) with the request to direct the concerned patrolling staff to keep strict watch and ward over the said property so that demolished portion be not repaired / restored. Copy of letter as sent in this regard is also annexed herewith as **Annexure -F**

B.) Property / Plot No. 98/98A , Shanti Kunj, Vasant Kunj, New Delhi.



- i) As per site inspection and available record the above-said property / plot i.e. 98/98A has been identified as property adjacent to 96, Shanti Kunj, Vasant Kunj, New Delhi and is stands booked vide file No. 176/UC/B-II/SZ/2021 dated 22/03/2021 in the shape of Stilt , Ground floor, First floor and Second floor (Stilt , Ground floor & First floor occupied), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law in this regard the necessary demolition order/ notice also stands passed by the competent authority i.e. the AE (Bldg), South Zone on 01/04/2021.



- ii) Furthermore a letter vide No. 169 /AE(B)-II/SZ/2021 dated 09/04/2021 u/s 344 (2) of the DMC Act, has also been sent to SHO, PS. Vasant Kunj (South) New Delhi with the request that the unauthorized construction be stopped and workmen present at site /this property in question be removed and construction material including the tools , machinery, etc. be seized. Copy of the said letter is annexed as **Annexure - G**
- iii) Besides this letters No. 167/AE(B)-II/SZ/2021 dated 09/04/2021 for disconnection of electricity and water supply from the aforesaid property have also been sent to the concerned authorities. Copy of the said letter is annexed as **Annexure - H**
- iv) Moreover, letter No. 168/AE/(B)-II/SZ/2021 dated 09/04/2021 has also been 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 -I

v) Further it is also relevant to point out that in respect of said property the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and after complying with the mandatory provisions as contained under the relevant Act, the necessary sealing orders has also been passed by the competent authority i.e. Dy. Commissioner of South Zone /SDMC on 16/06/2021. Copy of sealing order as passed in this regard is also annexed as Annexure -I

vi) Further it is also pertinent to mention here that in order to execute the aforementioned demolition/ sealing orders already stands passed, in respect of this property, the Building Department -II of South Zone/SDMC also tried / attempted to take

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/ carry out the necessary action as per details entailed herein below:-

S.No.	Date of Action	Action taken
1	22/06/2021	Action could not be materialized due to shortage of time as the action was taken on another property.
2	19/07/2021	Action could not be taken due to heavy rain.
3	05/08/2021	Action could not be taken due to non availability of police force.

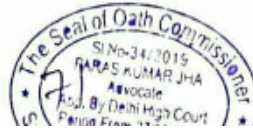
3. That in order to take / carry out demolition action / further demolition





action, in respect of subject properties,
the Building Department -II of South
Zone/SDMC has fixed the program for
23/09/2021 which will be taken /
carried out upon availability of police
force.

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Deponent

xxx xxx xxx”

5. The further Status Report dated 03rd August, 2022 filed by the MCD
in this regard, is reproduced as under:

“xxx xxx xxx

3. That pursuant to demolition/ sealing orders
already stands passed in respect of subject
properties i.e. bearing plot No. 40, Shanti Kunj
main , Vasant Kunj, New Delhi and plot No.
98/98A, Shanti Kunj, Vasant Kunj, New Delhi,
the Building Department -II of South
Zone/SDMC has tried / taken / carried out
further demolition action as per details entailed
herein below:-

S. No.	Date of action	Action taken
1	10/09/2021	<u>Plot No. 40, Shanti Kunj main , Vasant Kunj, New Delhi</u> In respect of this property the necessary sealing





		action has been taken and upon availability of police force, during the course of action the property has completely sealed at 05 points at main gates and doors.
2	07/10/2021	Action could not be materialized due to non availability of police force.
3	12/07/2022	During the routine area inspection area field staff noticed that the seals affixed by the department on 10/09/2021 were found tampered with, consequently a complaint bearing No. D-1276/DC/Bldg.-II/SZ/2022 dated 12/07/2022 for





	lodging of an FIR u/s 448/188 of IPC read with Section 461 of DMC Act has been sent to Dy. Commissioner of Police , South District Vasant Vihar, New Delhi. Besides this, during the Special Demolition / Sealing action programme 01 Nos. of RCC panel has been cut -down with the help of gas cutter and simultaneously the property has been sealed at 02 points at Ground floor, upon availability of police force. Rest of the portion / property could not be sealed since the
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		same was found occupied.
4	18/07/2022, 21/07/2022, 22/07/2022 and 25/07/2022	Action could not be materialized due to non availability of police force.
5	23/09/2021, 07/10/2021, 01/07/2022, 18/07/2022, 21/07/2022, 22/07/2022 and 25/07/2022	<u>Plot No. 98/98A, Shanti Kunj, Vasant Kunj, New Delhi.</u> Action could not be materialized due to non availability of police force.

The photographs pertaining to aforementioned demolition / sealing actions and copy complaint along with copy of no force letters are annexed

herewith as Annexure -A(Colly).



4. That further it is also submitted that after taking the aforementioned demolition/ sealing actions letters bearing No. 1491/AE(B)/SZ/2021 dated 18/09/2021 and vide No. 1294/AE(Bldg)-II/2022 dated 13/07/2022 have been sent to the concerned SHO, PS. Vasant Kunj (South), with the request to direct the concerned patrolling staff to keep strict watch and ward over the subject properties so that the demolished portion not be re-stored / re-paired / re-constructed and the seals affixed by the department may not be tampered with. Copy of the letters as sent in this regard is also annexed herewith as **Annexure - B(Colly).**

5. That moreover, in order to take further demolition / sealing action in respect of subject properties a Vacation Notice u/s 349 of DMC Act, 1957 has also been issued and served upon the owner / occupier vide dated 27/07/2022 and a copy thereof has also been addressed to SHO, PS Vasant Kunj (South) New Delhi with the request to get the impugned property / portion vacated. Copy of Vacation notice is also annexed herewith

as **Annexure -C.**

XXX XXX XXX”





6. Further additional Status/Action Taken Report dated 06th January, 2023, filed on behalf of the MCD, is reproduced as under:

“xxx xxx xxx

3. That pursuant to demolition/ sealing orders already stands passed in respect of subject properties i.e. bearing plot No. 40, Shanti Kunj main , Vasant Kunj, New Delhi and plot No. 98/98A, Shanti Kunj, Vasant Kunj, New Delhi, the Building Department –II of South Zone/MCD had tried to take / carry out further demolition / sealing action on various occasions vide dated 05/08/2022, 28/09/2022, but action could not be materialized due to non-availability of police force and on 06/10/2022, 02/11/2022 and 12/12/2022 due to shortage of time since the action was taken on another properties. Copy of no force letters area annexed herewith as Annexure-A (Colly).
4. That moreover, in order to take / carry out further necessary action in respect of subject referred properties, the department has now fixed the Special demolition / sealing action programme for 31/01/2023 which will be taken / carried out upon availability of police force. Copy of police requisition letter as sent in this regard is also annexed herewith as Annexure-B.

xxx xxx xxx”



7. Further Action Taken/Status Report dated 04th December, 2023 filed on behalf of the MCD, reads as under:

“xxx xxx xxx

3. That during the pre-fixed demolition / sealing action programme for 31/07/2023, pursuant to

demolition/ sealing orders already stands passed in respect of subject properties i.e. bearing plot No. 40, Shanti Kunj main , Vasant Kunj, New Delhi and identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi, the Building Department –II of South Zone/MCD has tried / undertaken the further Demolition action, as per details given herein below:

S.No.	Date of Action	Action Taken
1.	31/07/2023	<u>P.No. 40, Shanti Kunj (Main), Vasant Kunj, New Delhi.</u> Upon availability of police force, during the course of action, 01 RCC panel has been cut down at room of Ground floor.
2.	11/09/2023	Action could not be taken due to shortage of time.
3.	13/11/2023	Action could not be taken due to non availability of police force.
4.	31/07/2023 &11/09/2023	<u>P.No. Identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi.</u> Action could not be taken due to shortage of



		time.
5.	13/11/2023	Action could not be taken due to non availability of police force.

The Photographs taken during the aforementioned demolition action alongwith copy of no force letter are annexed herewith as **Annexure –A (Colly)**.

4. That after taking the aforementioned demolition action a letter dated 01/08/2023 has also been sent to SHO concerned, PS Vasant Kunj (South) with the request to direct the patrolling staff to keep strict watch and ward over the properties so that the demolished portion may not be re-stored / repaired. Copy of letter as sent in this regard is annexed herewith as **Annexure-B.**

xxx xxx xxx”

8. Another Status Report dated 24th August, 2024 filed on behalf of the MCD, is reproduced as under:

“xxx xxx xxx



3. That it is submitted that pursuant to demolition/sealing orders already stands passed in respect of subject properties i.e. bearing plot No. 40, Shanti Kunj main, Vasant Kunj, New Delhi and identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi, the Building Department –II of South Zone/MCD has tried / undertaken the further Demolition action, as per details given herein below:

S.No.	Date of Action	Action Taken
1.	12/12/2023	<u>P.No. 40, Shanti Kunj (Main), Vasant Kunj, New Delhi.</u> Action could not be taken due to shortage of time.
2.	25/07/2024	During the course of action, the earlier seals affixed by the department were found tampered with, which has been re-sealed at 01 room at front side at Ground floor at 01 point.



		- Simultaneously, on the instance of seal tampering the necessary proceedings for lodging of an FIR has also been initiated / processed against the violators / offender.
4.	12/12/2023	<u>P.No. Identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi.</u> Action could not be taken due to as the property was not vacated and due to stiff resistance / hindrance created by the owners of this property.
5.	18/12/2023	So as take further necessary action smoothly, a Vacation Notice u/s 349 of DMC Act – 1957 dated 18/12/2023 has also been sent to owner / occupier of the subject property and a copy thereof has also been endorsed to concerned,



		SHO PS Vasant Kunj (South) New Delhi with the request to get the impugned property / portion vacated.
6.	25/07/2024	Upon availability of police force, only utility area at Stilt floor has been got vacated partially with the help of police and the same has been sealed. However, earlier sealed portions found lying sealed in terms of earlier action taken by the department.

The Photographs taken during the aforementioned sealing action alongwith Vacation Notice dated 18/12/2023 are annexed herewith as **Annexure –A (Colly)**.

4. That after taking the aforementioned sealing action, a letter dated 07/08/2024 has also been sent to SHO concerned, PS Vasant Kunj (South) with the request to direct the patrolling staff to keep strict watch and ward over the properties so that the seals affixed by the department may not be tampered with. Copy of the said letter is also annexed herewith as **Annexure-B.**



5. That on noticing that despite issuance of earlier vacation notice dated 18/12/2023 to the owner / occupier and copy also endorsed to SHO concerned, the property in question has not been vacated, considering the same, a letter bearing No. D/1709/AE(B)/Bldg/SZ/2024 dated 21/08/2024 has also been sent to concerned, SHO PS Vasant Kunj, South Zone, New Delhi with the request to get the property vacated so as to enable the department to take the mandated action. Copy of letter dated 21/08/2024 is annexed herewith as Annexure -C.

xxx xxx xxx”

9. Yet another Status Report dated 23rd September, 2024 has been filed on behalf of MCD, relevant portions of which, are reproduced as under:

“xxx xxx xxx

3. That it is submitted that pursuant to demolition/ sealing orders already stands passed in respect of subject properties i.e. bearing plot No. 40, Shanti Kunj main , Vasant Kunj, New Delhi and identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi, the Building Department -II of South Zone/MCD has tried / undertaken the further Demolition action, as per details given herein below:

S.No.	Date of Action	Action Taken
1.	11/09/2024	<u>P.No. 40, Shanti Kunj (Main), Vasant Kunj, New Delhi.</u> Upon availability of police force, after de-sealing the property internal brick walls and slab have been demolished at part Ground floor after taking the aforesaid demolition action property has been re-sealed. Rest of the portion of the property



		found occupied.
2.	11/09/2024	<u>P.No. Identified plot No. Adj. to 96, Shanti Kunj, Vasant Kunj, New Delhi.</u> During the course of action property could not be vacated even after best efforts of the police officials present at site. Property was locked from inside and person present inside the premises refused to open the gate inspite best efforts made by police officials and MCD. Hence, action could not be taken.

The Photographs taken during the aforementioned demolition / sealing action are annexed herewith as **Annexure –A (Colly).**

4. That after taking the aforementioned demolition / sealing action, a letter dated 13/09/2024 has also been sent to SHO concerned, PS Vasant Kunj (South) with the request to direct the patrolling staff to keep strict watch and ward over the property so that the demolished portion may not be restored / repaired and the seals affixed by the



department may not be tampered with. Copy of the said letter is also annexed herewith as Annexure-

B.

5. That further it is also stated here that so as take further necessary action in respect of the both subject properties smoothly, letters dated 13/09/2024 have been sent to SHO concerned, PS Vasant Kunj (South), New Delhi with the request to get the subject booked properties vacated prior to taking the next scheduled demolition action so that necessary action could be taken accordingly. Copy of the aforesaid letters dated 13/09/2024 are

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also annexed herewith as Annexure -C (Colly).

That further action in respect of the subject property shall be taken during the monthly demolition schedule of the area in question, upon availability of police force.

xxx xxx xxx”

10. Considering the aforesaid Status Reports, it is evident that regular action is being taken by the MCD.

11. At this stage, learned counsel appearing for respondent nos. 5 to 7 in W.P.(C) 4379/2021, submits that for purposes of taking action against properties which exist under high tension wires, due procedure under Electricity Act, 2003, needs to be followed.

12. Learned counsel appearing for respondent no. 4 in W.P.(C) 4379/2021 draws the attention of this Court to the reply filed on behalf of Delhi Transco Limited (“DTL”) to submit that it is the stand of DTL itself that the property of respondent no. 4 is not in the right of way of the high tension wires.



13. Considering the submissions made before this Court, it is directed that the requisite action shall be taken by the concerned authorities after following the due procedure, in accordance with law.
14. If required so, requisite notices shall be issued by the concerned authorities to the affected parties, who shall be granted opportunity of hearing.
15. Requisite orders shall be passed by the concerned authorities after hearing the affected parties, and any requisite action that is to be taken shall be taken only, thereafter.
16. This Court expects that the requisite action shall be taken by the concerned authorities, within a time bound manner, preferably, within a period of six months from today.
17. In case any of the parties is aggrieved by any action or non-action of the concerned authorities, they have the liberty to seek remedies, in accordance with law.
18. All the rights and contentions of the parties are left open to be taken up in relevant proceedings.
19. Noting the aforesaid, the present writ petitions, along with the pending applications, stand disposed of.

MINI PUSHKARNA, J

SEPTEMBER 16, 2025/KR