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

+ **W.P.(C) 9752/2025**

PUNEET YADAV

.....Petitioner

Through: Mr. Farid Abbas and Mr. Nishant
Kaushik, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Kirti Garg, Advocate for BSES
Mr. Shaurya Abrol, Advocate for
MCD (through VC)
Mr. Pramod Kumar and Mr. Azhar
Kamal Quadri, Advocates for
GNCTD
Mr. Arjun Mahajan, SC with Mr.
Apoorv Upmanyu and Mr. Harsh
Vashisht, Advocates for STF
Mob: 9810047321
Email: amahajan@mlo.co.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.09.2025

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1. The present writ petition has been filed seeking directions to the respondent no.1 – Municipal Corporation of Delhi (“MCD”), to carry out the demolition of the extended area of balcony in the property bearing No. WZ-225, Madipur Village, New Delhi-110063.

2. This Court notes that a Status Report dated 19th September, 2025, has been filed on behalf of MCD, which reads as under:



“xxx xxx xxx

4. That accordingly, action u/s 343 & 344 of the DMC Act was initiated against the aforesaid property vide File No. EE(B)-I/WZ/UC/2025/119 dated 23.07.2025 for unauthorized construction in the shape of Ground, First and Second Floor with projection on mpl. land. Further, a show cause notice u/s 344(1) & 343 of the DMC Act was issued to the Ms. Geeta Yadav/owner. Simultaneously, an opportunity of personal hearing was also provided to the owner/occupier vide said show cause notice dt. 23.07.2025 and the date of hearing was fixed for 31.07.2025 at 3.00 PM. Copy of the show cause notice dated 23.07.2025 is annexed herewith as **Annexure ‘A’**.

5. That, in compliance of aforesaid notice, Smt. Geeta Yadav had attended the hearing as per schedule on 31.07.2025. During the hearing, she submitted copy of electricity bill issued from BSES in respect of Ground Floor and First Floor for the year 2003, 2004 and water bill issued from DJB in the year 2004, but she failed to submit house tax details to show that the construction was carried out prior to year 2006. She admitted that the building plan in respect of aforesaid property has been not sanctioned from the competent authority and further denied to remove/demolish the unauthorized construction in the shape of projection on mpl. land existing in the property as pointed by the counsel of BSES during the hearing held before the Hon’ble High Court of Delhi on 14.07.2025.



6. That, as the owner had failed to submit any supporting evidence about Second Floor of the property and the documents submitted by her regarding Ground Floor & First Floor does not show about the extent of construction existing in the property before 2007, therefore, the demolition order u/s 343 of the DMC Act has been passed against the said property on 11.08.2025 vide which the owner/builder has been directed to demolish the unauthorized construction within 15 days. Copy of the demolition order dated 11.08.2025 is annexed herewith as **Annexure-‘B’**. *al of Oath Commiss*
7. That, aggrieved with the aforesaid demolition order passed on 11.08.2025, Smt. Geeta Yadav, owner of the property had filed an appeal before the Hon’ble High Court of Delhi vide W.P.(C) No. 9752/2025 & CM Appl. 53352/2025. In the said matter, the Hon’ble Court vide order dated 27.08.2025 has held that no coercive action be taken against the Respondent No. 4 for a period of ten days, in order to enable the Respondent No. 4 to file a substantive appeal before the ATMCD against the Demolition order dated 11.08.2025. In compliance of the said order of Hon’ble Court, the Respondent has filed an appeal before the ATMCD titled as Smt. Geeta Yadav Vs MCD. Copy of the order dated 27.08.2025 is annexed herewith as **Annexure-‘C’**.
8. That, further action shall be taken in due course of time as per provisions of the DMC Act and as per law in compliance of the direction passed by the Hon’ble Court. ”



3. Perusal of the aforesaid Status Report shows that a Demolition Order dated 11th August, 2025, has been passed by the MCD. Subsequently, the owner/occupier of the property in question filed a writ petition before this Court, i.e., *W.P.(C) 9752/2025*, and *vide* order dated 27th August, 2025, this Court had granted interim protection in view of the fact that there is no Presiding Officer in the Appellate Tribunal, MCD (“ATMCD”) currently.
4. Accordingly, MCD is held bound to take action against the unauthorized construction existing in the property in question, subject to any orders that may be passed by the ATMCD.
5. This Court further notes that an interim stay is already operating in favour of the owner/occupier of the property in question.
6. Noting the aforesaid, the present writ petition, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025

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