



\$~63

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

+ W.P.(C) 9774/2025 & CM APPL. 40805/2025, CM APPL. 50404/2025

SHAIENDRA KUMAR MISHRA

.....Petitioner

Through: Ms. Ramisha Jain, Advocate (through VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Manoj K. Sharma, Addl. SC for R-MCD

Mob: 9811139236

Email: manoj.s@gmail.com

Mr. Niraj Kumar, Sr. Central Govt.

Counsel with Mr. Chaitanya Kumar,

Adv. along with Mr. Akshay Sheron, S.I., PS Vasant Kunj, North.

Mob: 9810020341

Email:

advocateniraj2009@gmail.com

Mr. Rakesh Kumar Shukla, Mr. Nikhlesh Vashishth and Mr. Rajesh Kumar, Advs. for R-3

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

23.09.2025

1. The present writ petition has been filed for directions to the Municipal Corporation of Delhi ("MCD") to take action against the illegal construction, being carried out by respondent no. 3 at *Khasra Nos. 481 and*



484, Mahipalpur, New Delhi-110037.

2. A Status Report has been filed on behalf of the MCD, relevant portions of which, read as under:

“ xxx xxx xxx

4. That in furtherance of previous status/action taken report dated 14/07/2025, it is submitted that a complaint under Section 332/461 read with Section 466-A of the DMC Act has been made by the Department with the SHO concerned for execution of Prosecution Action against the violator(s)/Owner(s)/Builder(s), vide complaint letter No.EE(B)NGZ/25/D-8/257 dated 22/08/2025.
5. That furthermore, the sealing action u/s 345-A of the DMC Act has also been initiated by the Department vide Sealing File No.97 dated 27/08/2025.
6. That apart from above, as per fixed programme, the demolition action against the impugned property viz. House No.1156, Gali No.12, Near Gatta Factory, Mahipalpur, New Delhi-37 has been taken by the staff of answering Department on 15/09/2025 in the presence of local police force. During course of demolition action, one RCC slab/panel has been cut down at first floor with the help of gas cutter. Photographs taken during demolition action, are annexed herewith as Annexure-A. Furthermore, a letter vide No.EE(B)NGZ/25/D-8/339 dated 16/09/2025 has been sent to Police Authority for keeping strict vigil upon the impugned property.
7. That further action will be taken by the answering Respondent as per the provisions of DMC Act and as per prevailing laws. ”

3. Perusal of the aforesaid Status Report shows that partial demolition action has been taken by the MCD on 15th September, 2025. It is stated that further action will be taken by the MCD, in accordance with law.

4. Status Report dated 20th September, 2025 has also been filed on



behalf of Station House Officer (“SHO”) Police Station-Vasant Kunj, relevant portions of which, state as follows:

“ XXX XXX XXX

2. That this Status Report addresses the petitioners’ grievance of unauthorised construction being carried out at H.No. 1156, Gali no. 12, Near Gatta Factory, Mahipalpur, New Delhi, allegedly by Respondent No. 03. i.e. the owner of the said property Mr. Ravinder S/o Rati Ram.
3. That on 16.08.2025 a work stop notice for stopping unauthorized construction on the property bearing H.no 1156, Gali no 12, Near Gatta Factory, Mahipalpur, New Delhi was received in the PS-Vasant Kunj, North vide Diary no. WS-33, Dated 16.07.2025 and the same was also executed by the beat staff on 17.08.2025. The Copy of the General Diary dated 17.08.2025 is annexed herewith as **Annexure-R2/1**.
4. That the Hon’ble court vide order dated 18.08.2025 has directed the Respondent no. 02/Delhi Police to ensure that no further unauthorised construction should take place in the property in question and in compliance of the said order regular visits were being made by the beat officer to keep a watch for any unauthorized construction not being done at the said property.
5. That on visiting the said property, by the Respondent no. 02, it was found that an unauthorized construction was being carried out at the said property by the owner of the property Mr. Ravinder Sehwat. In this regard it is submitted that 04 labours were detained U/S 65 DP Act and 02 Kassis, 02 Taslas were deposited into PS Malkhana U/S 66 DP Act. The copy of the work stop notice was affixed outside the property and was also sent on the Whatsapp no. 7717098756 of the Owner of the property Mr. Ravinder Sehwat. The Report regarding execution of work stop order has also been sent to MCD Najafgarh through post on 29.08.2025.



6. That on 28.08.2025 a Written complaint from DC MCD, Najafgarh under section 332/461 read with Section 466-A of the DMC Act 1957 was received in the PS. The complainant alleged that he found unauthorized construction/work done at the instance of owner/builder/occupier of property without any permission from the Commissioner, Municipal Corporation of Delhi which is an offence u/s 332/461 read with Section 466-A of the DMC Act.
7. That on the basis of the above complaint, a case **FIR no. 396/2025 U/S 466A DMC Act** has also been registered on 03.09.2025 and the investigation is also underway. It is further submitted that the respondent no. 02 i.e. PS, Vasant Kunj, North has also issued following directions:-
 - (i) That it has cautioned the parties on the site against any further continuation of unauthorised work;
 - (ii) That to maintained enhanced patrols, particularly during nights/holidays and
 - (iii) That to keep a team on standby to accompany MCD as and when the municipal squad fixes the schedule.
8. That on 15.09.2025, JE Mr. Varun Birla, Building Zone, MCD Najafgarh along with 5 labours carried out the demolition at property in question. The Copy of the Notice U/s 435 of the DMC Act dated 15.09.2025 is annexed herewith as **Annexure-R2/2**. The staff of MCD was also provided with adequate local police staff and the information was lodged in CCTNS. The Copy of the General Diary dated 15.09.2025 is annexed herewith as **Annexure-R2/3**,
9. That at present No unauthorised construction work is going on at the site currently. However, the dispute between the parties still exists at present. The Copy of the Photographs of the present situation of the property is annexed herewith as **Annexure-R2/4**.
10. That this report is submitted for the kind perusal of this Hon'ble Court, however, the undersigned is further willing to abide by any directions passed by this Hon'ble Court. ”

5. Perusal of the aforesaid Status Report on behalf of SHO, Police



Station – Vasant Kunj (North), shows that currently, no unauthorized construction is going on at the site currently.

6. Accordingly, the MCD is directed to take requisite action against the unauthorized construction existing in the property in question.

7. In case, any party is aggrieved by any action or non-action on the part of the MCD, they shall have liberty to seek their remedies in accordance with law.

8. Noting the aforesaid, the present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 23, 2025

ak