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

+ **CONT.CAS(C) 1602/2023**

HARISH CHANDER KHURANA@

HARISH KHURANA

.....Petitioner

Through: Mr. Ashish Chauhan, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Vikas Chopra, Adv. for MCD
along with EE, Sunil Mudgil.
Mr. Abhinav Singh, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers: -

“i. Initiate contempt proceeding against the alleged contemnor for willfully and deliberately disobeying the judgment/ order dated 09.11.2022 of this Hon'ble Court passed in the WP(C) No. 15337/2022 titled as "Harish Chander Khurana@ Harish Khurana versus Municipal Corporation of Delhi & Ors."; and

ii. Direct the Respondent No. 1 to 4 to demolish the illegal construction carried by the Respondent No.5 in contravention to the order/ judgment dated 09.11.2022 passed by this Hon'ble Court in the WP(C) No. 15337/2022 titled as "Barish Chander Khurana @ Harish Khurana versus Municipal Corporation of Delhi & Ors.";and

Pass any other order as this Hon'ble Court deems fit and proper in view of the said facts and circumstances.”



3. *Vide* order dated 09.11.2022, learned Single Judge while disposing of the W.P.(C) 15337/2022 passed the following directions:-

“7. Keeping in view the submissions made on behalf of respondent Nos. 1 and 2-4 as well as the undertaking given on behalf of respondent No.5, the present petition is disposed of with a direction to respondent No.1 to carry out necessary requisite action against the subject premises expeditiously in accordance with law. Pending application, if any, is disposed of as infructuous.”

4. During the pendency of the present petition, status report dated 07.05.2025 was filed on behalf of the MCD, wherein, it has been stated as under: -

“8. That as per record, the subject property i.e. bearing No. Block-A and C, Shri Sai Kunj, Near D-11, Vasant Kunj, New Delhi has been identified as property bearing No. CN-17, Block-C, Sai Kunj, Vasant Kunj, New Delhi. The status of the actions as already initiated / taken in respect of this property is entailed herein below:

i) As per record, the subject property is already stands booked for unauthorized construction vide file No. 380/UC/B-1/8Z/2021 dated 31/08/2021 in the shape of Second floor (Part) (Stilt, Ground floor and First floor old & occupied) and further booked vide U/c file No. 610/UC/B-11/SZ/2022 dated 19/10/2022 in the shape of Second floor and Third floor in continuation of earlier Booking No. 380/UC/B- 11/8Z/2021 dated 31/08/2021, for taking necessary demolition action u/s 343/344 of DMC Act. Upon following due process of law, the necessary demolition orders also stands passed by the Competent Authority i.e. the AE (Bldg)-I1 of South Zone vide dated 08/09/2021 and 02/11/2022 respectively. Copy of demolition orders are annexed herewith as **Annexure —A (Colly).**

ii) Furthermore, letters dated 16/09/2021, 04/11/2022 and 14/11/2022 u/s 344 (2) of the DMC Act, have also been sent to SHO, PS. Vasant Kunj (South), New Delhi with the request that the unauthorized construction in respect of the subject property be stopped immediately and workmen present at site / property be removed and construction material including the



tools, machinery, etc. be seized. Copy of letters as sent in this regard are annexed herewith as **Annexure —B (Colly).**

iii) Beside this, letters dated 20/09/2021 and 14/11/2022 have also been sent to concerned authorities i.e. BSES and Delhi Jal Board for disconnection of their electricity and water supply from the subject property. Copy of the said letters are also annexed herewith as **Annexure-C (Colly).**

iv) Similarly, letters dated 20/09/2021 and 14/11/2022 have also been sent to the Sub- Registrar with the request not to register the subject property under the Indian Registration Act, 1908. Copy of the said letters are also annexed herewith as **Annexure-D (Colly).**

v) Apart from this, Prosecution action u/s 466 -A of DMC Act, 1957 has also been initiated and a complaint dated 28/09/2021 has been sent to SHO PS Vasant Kunj, New Delhi. Copy of the said complaint is also annexed herewith as **Annexure -E.**

vi) Furthermore, it is also point out here that the sealing proceedings u/s 345-A of DMC Act, 1957 have also been initiated and after following due process of law, the necessary sealing orders have also been passed by the Competent Authority i.e. Deputy Commissioner of South Zone — MCD vide dated 26/10/2021 and 05/01/2023. Copies of sealing orders are also annexed herewith as **Annexure-F (Colly).**

9. That it is also submitted that pursuant to the aforesaid demolition / sealing orders already passed in respect of the subject property, the Building Department-II of South Zone — MCD has also tried / taken / carried out the necessary demolition / sealing action, as detailed below:



S. No.	Date of Action	Action taken
1.	23/09/2021	Action could not be taken due to non availability of police force.
2	02/06/2022	Action could not be taken due to shortage of time.
3.	14/06/2022, 22/07/2022 and 25/07/2022	Action could not be taken due to non availability of police force.

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4.	24/11/2022	The date of demolition action i.e. 21/11/2022 was mentioned due to inadvertence, however, actual date fixed for demolition action was 24/11/2022. On 24/11/2022, upon availability of police force, 01 RCC panel and brick walls have been demolished at Third floor.
5.	13/11/2023	Action could not be taken due to non-availability of police force.
6.	10/01/2024	So as to take further necessary demolition / sealing action, a Vacation Notice u/s 349 of DMC Act, 1957 dated 10/01/2024 has also been issued / served upon the owner / occupier of the subject property to vacate the same and a copy thereof has also been endorsed to SHO



		PS Vasant Kunj (South) New Delhi with the request to get the impugned property / portion vacated.
7.	16/01/2024	Upon availability of police force, 01 flat at Third floor has been sealed whereas, other flats were found residentially occupied. However, demolition action on this date could not be taken due to GRAP restrictions.
8.	31/01/2024	Action could not be taken due shortage of time as the action was taken on another property Adj. Farm No. 55, Opp. to Swimming Pool, Vasant Kunj Sports Complex, New Delhi which is involved in other High Court case in CONT. CAS. (C) No. 1380/2023.
9.	10/05/2024	During the course of action, earlier seal



		affixed at flat was found tampered with and further action could not be taken since the flats were found residentially occupied and could not be got vacated due to Model Code of Conduct on account of Lok Sabha Election.
10.	21/05/2024	Taking cognizance of the seal tampering, the department has sent the necessary complaint dated 21/05/2024 to the DCP South West District, Vasant Vihar, New Delhi for lodging of an FIR against the violators / offenders.
11.	14/08/2024	Upon availability of police force, chajja portion at Mumty has been demolished at terrace of Third floor. Beside this, entry of terrace has also been sealed at 01 point.
12.	19/08/2024	So as to take further



		necessary action in respect of the subject property, a Vacation Notice u/s 349 of DMC Act, 1957 dated 19/08/2024 has also been sent to owner / occupier to vacate the same and a copy thereof has also been endorsed to SHO concerned, PS Vasant Kunj (South), New Delhi with the request to get the impugned property / portion vacated.
13.	18/09/2024	Action could not be taken due to shortage of time as the action was taken another property bearing No. Adj. H.No. 101, Main Shanti Kunj, Ram Mandir Road, Vasant Kunj, New Delhi.
14.	18/02/2025 and 19/02/2025	Action could not be taken due to shortage of time.
15.	07/03/2025, 03/04/2025,	Action could not be taken due to non
15.	19/04/2025 and 24/04/2025	availability of police force.



The photographs taken during the aforesaid demolition / sealing action alongwith copy of no force letters, Vacation Notices and copy of complaint are annexed herewith as **Annexure-G (Colly)**.

10. That after taking the aforementioned demolition / sealing action, letters dated 17/01/2024 and 19/08/2024 have also been sent to SHO concerned PS Vasant Kunj (South), New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure-H (Colly)**.

11. That now the department has fixed the further demolition/ sealing action programme in respect of the subject property for 08/05/2025 which will be taken/ carried out, upon availability of police force.”

5. In view of the aforesaid status report stating that the demolition action is further scheduled for 08.05.2025, a further status report was requisitioned which had been filed on behalf of the MCD dated 24.11.2025. The said status report records as under: -

“2. That the instant status report/ affidavit is being filed pursuant to order dated 09/10/2025 of this Hon’ble court and in furtherance to earlier status report already filed in the matter.

3. That as per record, pursuant to the demolition / sealing orders already passed in respect of the identified subject property i.e. bearing no. CN-17, Block-C, Sai Kunj, Vasant Kunj, New Delhi, the Building Department-II of South Zone – MCD has tried / taken / carried out the further necessary action as per details given herein below:



S.No.	Date of Action	Action Taken
1.	08/05/2025, 06/08/2025 and 10/09/2025	Action could not be taken due to non availability of police force.
2.	08/10/2025	Upon availability of police force, two iron tukdi slab have been demolished at terrace room and after taking the demolition action, the same has been sealed at 01 point.
3.	03/11/2025	So as to take further necessary demolition / sealing action in respect of the subject property, a Vacation Notice dated 03/11/2025 has also been issued to the owner / occupier to vacate the same 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.
4.	04/11/2025	Upon availability of police force, the earlier sealed rooms at terrace have been demolished completely.
5.	21/11/2025	Upon availability of police force, 01 flat has been sealed at 01 point at Third floor. Rest of the property found residentially occupied.

The Photographs taken during the aforesaid demolition / sealing action alongwith copy of no force letters and Copy of Vacation Notice are annexed herewith as Annexure -A (Colly).

4. That after taking the aforesaid demolition / sealing action, letters dated 08/10/2025, 13/11/2025 and 21/11/2025 have also been sent to concerned, SHO PS Vasant Kunj (South), New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject 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 aforesaid letters dated 08/10/2025, 13/11/2025 & 21/11/2025 are also annexed herewith as **Annexure -B (Colly).**

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6. That it is also furthermore pointed out that presently due to



severe air quality index in Delhi & NCR Region , the construction and demolition activities have been banned vide order bearing No.120017/27/GRAP/2021/CAQM11444-DT dated 11/11/2025. Considering the same the necessary demolition action in respect of aforementioned property will be taken / carried out upon lifting / withdrawal of the restrictions as imposed. The copy of the order dated 11/11/2025 is also annexed herewith as Annexure -D for record and kind reference of this Hon'ble Court.

7. That however, since vide aforesaid restrictions only demolition and construction activity has been banned, so considering the same, pursuant to the sealing order already passed, the department has now fixed the necessary sealing action programme in respect of this property for 05/12/2025, which will be taken / carried out upon availability of police force.”

6. The necessary photographs have been placed on record which are reproduced as under: -



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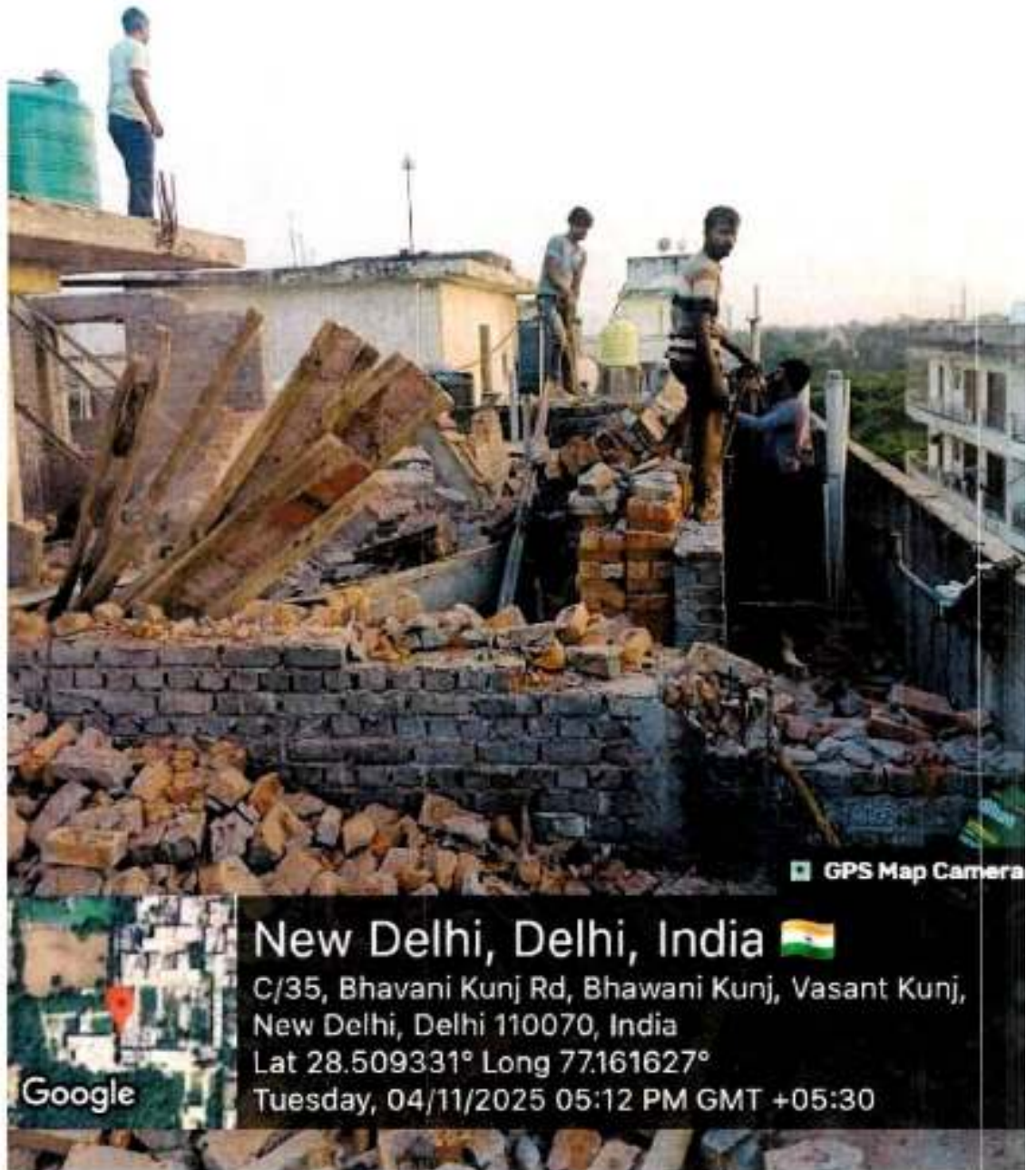
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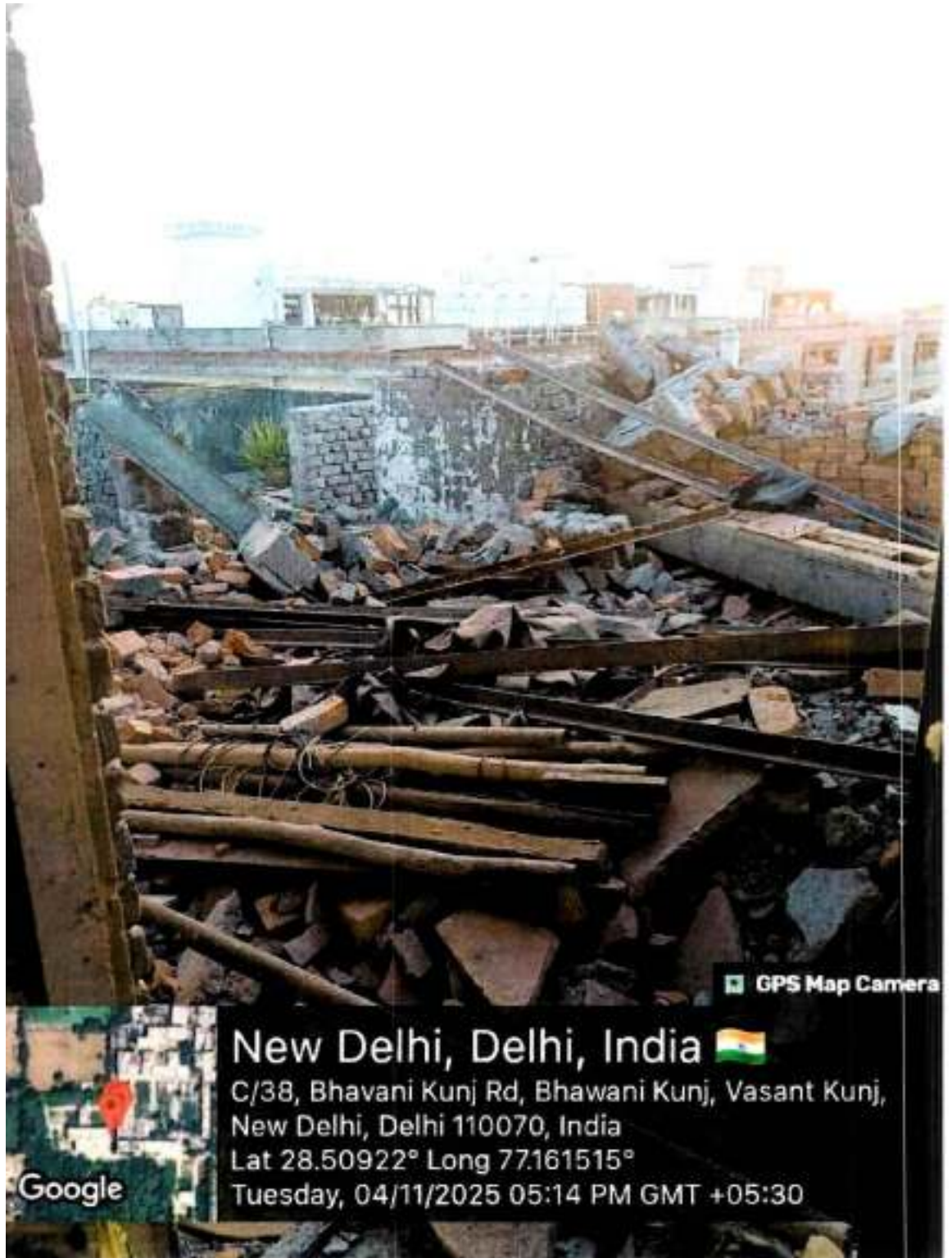
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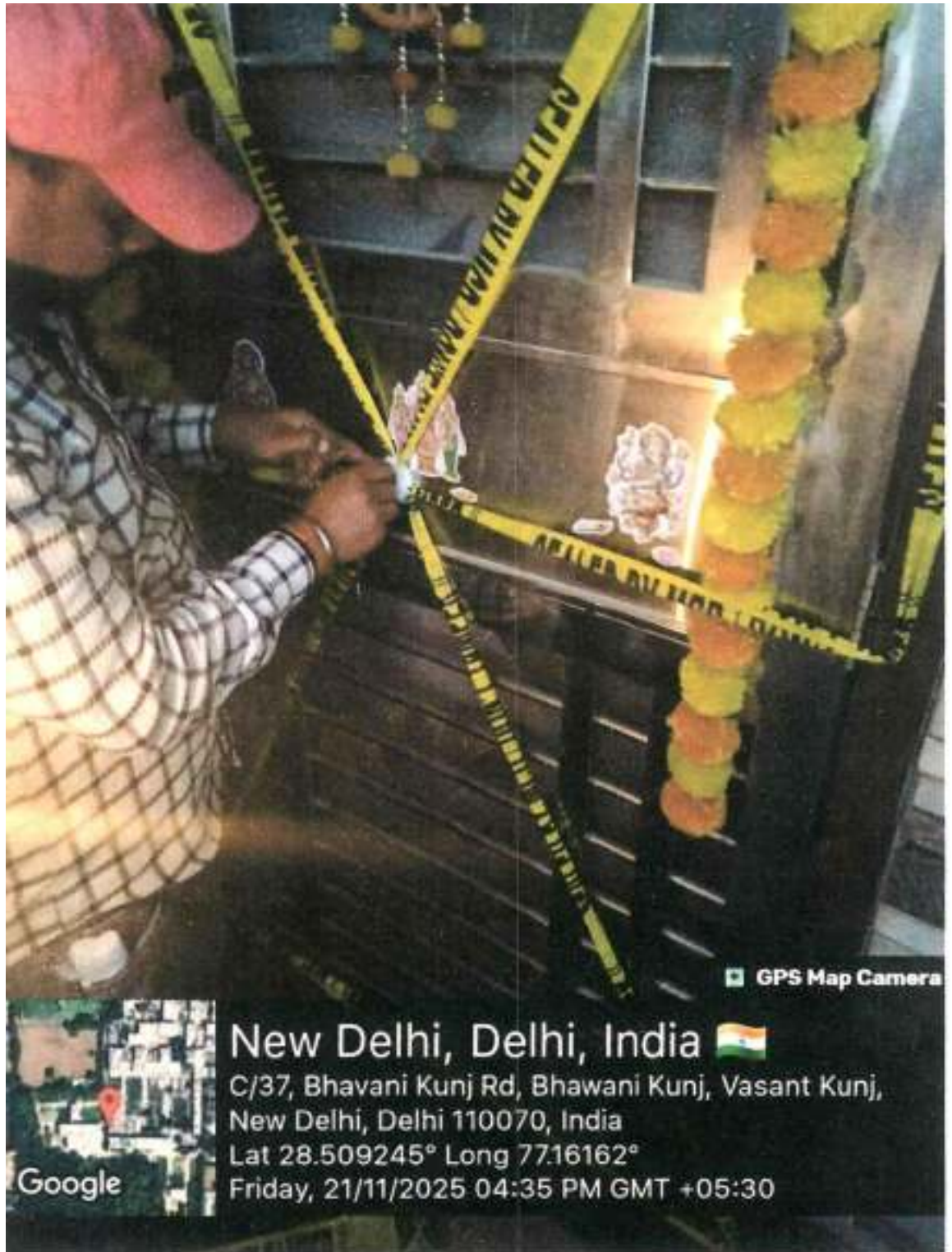
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7. Learned counsel appearing on behalf of the MCD submits that

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necessary action in accordance with law shall be taken in pursuance of the aforesaid status report.

8. In these circumstances, no further directions are called for.

9. The present petition is disposed of with the directions to the concerned Authority to take necessary action in accordance with law.

10. Needless to state that in case of non-compliance the petitioner will be at a liberty to revive the present petition.

11. Needless to state that the appeals on behalf of the occupiers before the learned ATMCD will be decided on its own merits in accordance with law.

AMIT SHARMA, J

NOVEMBER 26, 2025/kr/ah