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

+ **W.P.(C) 9887/2025**

SUNIL DALAL

.....Petitioner

Through: Mr. Parul Agarwal, Adv. (Through
VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Ayush Gupta, Adv. for R-2 to 9
Mr. Vikas Chopra, SC with Mr.
Neeraj Kumar, Ms. Anita R. Mishra
and Ms. Khushi, Advs. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
24.09.2025

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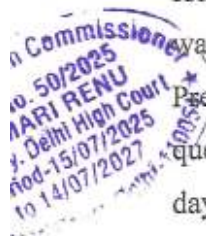
1. The present writ petition has been filed seeking directions to Municipal Corporation of Delhi ("MCD") to restrain the respondent no. 3 from carrying out any further illegal construction in the property bearing *Nos. 1169 and 1169A, Kucha Mahajani, Chandni Chowk, Delhi-110006*.
2. Pursuant to the direction on the last date of hearing, as regards the occupation of the petitioner of the premises, as indicated in the Memo of Parties, learned counsel appearing for the petitioner has handed over an affidavit, which is taken on record.
3. A Status Report dated 23rd September, 2025 has been filed on behalf of the MCD, relevant portions of which, are reproduced as under:



“xxx xxx xxx

3. That it is respectfully submitted that as per the record, the sanctioned building plan no.10054423 dated 08.10.2018 for the construction of stilt to third floor was applied by the owner/builder in respect of P.No.1169-A/11, Kucha Mahajani Chandni Chowk, Delhi-110006 however on inspection 23.07.2019 the deviation/excess coverage against the sanction building plan was noticed as such the same was booked under section 344(1) & 343 of the DMC Act vide file No.106/UC/84-N/EE(B)-II/CSPZ/2019 dated 23.07.2019. Thereafter, the owner/occupier applied for regularization of the property in question which was allowed and a speaking order dated 27.11.2019 was passed vide which the show cause notice dated 23.07.2019 was also withdrawn. A copy of speaking order dated 27.11.2019 is annexed herewith as **Annexure-A**.

4. That it is submitted that during the inspection on 20.03.2023 unauthorized construction in the shape of partitions in parking & converting stilt floor/parking into shops at stilt floor was noticed the said partition in the stilt area was neither allowed nor compoundable as such it was a deviation and the same was booked under section 343 & 344 (1) of the DMC Act vide file No.51/UC/74/B-II/CSPZ/2023 dated 20.03.2023. Thereafter following due process of law demolition order dated 26.04.2023 was passed by the competent authority there by directing Sh. Prem Prakash Sharma/Owner/builder of the property in question to demolish the unauthorized construction within 6 days failing which the same shall be demolished at the risk and





cost of the noticee. A copy of demolition order dated 26.04.2023 is annexed herewith as **Annexure-B**.

5. That it is submitted that in execution thereof demolition actions were planned on 22.05.2023, 05.06.2023 however action could not taken due to shortage of time.

6. That it is submitted that thereafter in the inspection dated 22.09.2023, in continuation of earlier booking dated 20.03.2023, deviation/excess coverage against the regularization plan sanctioned vide file no.AE(B)/CSPZ/2019/951 dated 31.10.2019 for ground floor, first floor, second floor and third floor and amalgamation with plot no.1169 was booked under section 344(1) & 343 of the DMC Act vide file No.156/UC/74/(B)-II/CSPZ/2023 dated 22.09.2023. Further, after following due process of law demolition order dated 19.03.2024 was passed. A copy of demolition order dated 19.03.2024 is annexed herewith as **Annexure-C**.

7. That it is submitted that in execution of demolition orders action was planned on 26.03.2024 however action could not be taken due to shortage of time. Further in the demolition programmes planned on 03.07.2024 & 22.10.2024 the wooden/glass partitions were remove/demolished at stilt floor. In continuation thereof a watch and ward letter dated 03.07.2024 was issued to SHO P.S. Kotwali to keep strict watch and ward over the demolished portion so that the demolished portion may not be reconstructed or repaired. A





watch and ward letter dated 03.07.2024 is annexed herewith as **Annexure-D**.

8. That it is submitted that challenging the demolition order dated 19.03.2024 MS. Bharti Goyal & Ors. filed an appeal bearing no.941/ATMCD/2024 before the Hon'ble ATMCD wherein the Hon'ble Court order dated 12.11.2024 set aside the demolition order dated 19.03.2024 and remanded back the matter to quasi judicial authority to adjudicate upon. Accordingly, in compliance of order dated 12.11.2024 of Hon'ble ATMCD, opportunities of personal hearing was afforded to the appellant on 20.01.2025 & 04.02.2025.
9. That it is submitted that apart from the above sealing show cause notice dated 15.07.2024 under section 345-A of the DMC was also issued against the aforesaid unauthorized construction and after following the due process of law sealing order dated 09.08.2024 was passed by the competent authority thereby directing sealing of aforesaid unauthorized construction. A copy of sealing order dated 09.08.2024 is annexed herewith as **Annexure-E**.
10. That it is submitted that in execution thereof sealing programmes were fixed on 05.09.2024 & 23.09.2024 however action could not be taken due to shortage of time.
11. That it is submitted that on inspection dated 27.02.2025 it was observed that the appellant themselves demolished/removed



the deviation/excess coverage at the ground floor and first floor which was booked vide file no.156/UC/74/B-II/CSPZ/2023 dated 22.09.2023 against regularization plan sanctioned vide file No. AE(B)-II/CSPZ/2019/951 dated 31.10.2019. However, the open space at stilt floor, second floor & third floor labelled as OP3 & OP5 at stilt floor and OP6 at second floor and OP1, OP3, OP4, OP5 & OP7 at third floor and a room at terrace was found not to have been demolished/removed. Therefore, vide speaking order dated 03.03.2025, the same was ordered to be demolished within 15 days of the receipt of this order. A copy of speaking order dated 03.03.2025 is annexed herewith as **Annexure-F**.

12. That it is submitted that the property was freshly inspected on 22.09.2025 wherein neither any construction activity was found to be progress nor any building material was found stacked at site. Photographs showing current status of the property are annexed herewith as **Annexure-G**.

Deponent with
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4. Perusal of the aforesaid Status Report shows that respondent no. 3 himself has removed some portion of deviation/excess coverage at ground floor and first floor, against the regularization plan sanctioned on 31st October, 2019. Further, there are other unauthorized constructions and deviations which have been found, for which, the MCD has granted time to remove them to the owner/occupant of the property in question.
5. On pointed query, learned counsel appearing for the MCD submits that further unauthorized construction/deviations/excess coverage, as pointed out by the MCD, has still not been removed by the owner/occupant.



6. Accordingly, in case, requisite action is not taken by the owner/occupant of the property in question, the requisite action for removing the unauthorized construction/excess coverage/deviations, shall be carried out by the MCD.
7. Further, this Court notes that on the last date of hearing, the Court had directed the MCD to inspect the property of the petitioner.
8. Accordingly, the MCD shall do the needful, and in case need be, take the appropriate action, in accordance with law.
9. With the aforesaid directions, the present petition stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 24, 2025/KR