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

+ **W.P.(C) 10044/2025**

SH YOGESH

.....Petitioner

Through: Mr. Ankit Gupta, Advocate
Mob: 9910036349

versus

MCD AND ORS.

.....Respondents

Through: Mr. Anshula L. Bakhru, Advocate for
MCD (through VC)
Mr. Jai Prakash, Adv. for R-2
Mob: 9990679784
Email: jaiprakash.cgc@gmail.com
Mr. Rajiv Mehra, Adv. for R-3

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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22.09.2025

1. The present writ petition has been filed seeking directions to the respondent no. 1-Municipal Corporation of Delhi ("MCD"), to demolish the unauthorized construction in property bearing no. 2255(14/7), Sarai Top Khana, H.C. Sen Road, Delhi-110006.

2. This Court notes that a Status Report dated 18th September, 2025, has been filed on behalf of the MCD, relevant portions of which, read as under:

"xxx xxx xxx"

3. That it is submitted that the property no. 2255(Part) 14/7, Sarai Top Khana, H.C. Sain Road, Delhi-110006 was inspected by the field staff of the Building Department, City S.P. Zone on 21.07.2025. During the inspection unauthorized construction in the shape of entire ground floor, first floor, second floor and third floor alongwith projection on municipal land was noticed



and as such the same was booked under section 344(1) and 343 of the DMC Act vide no. 101/UC/74/(B)-II/CSPZ/2025 dated 21.07.2025. A Show Cause notice dated 21.07.2025 was issued to the Sh. Vishnu Gupta/Owner/Builder thereby directing him to Show Cause as to why demolition order be not passed in respect of aforesaid unauthorized construction.

4. That it is submitted that thereafter, a work stop notice dated 21.07.2025 was also issued to the SHO P.S. Kotwali with the request to ensure that no further construction work is carried out in the property in question. A copy of work stop notice dated 21.07.2025 is annexed herewith as **Annexure-A**.

That it is submitted that after following due process of law demolition order dated 04.09.2025 was passed. A copy of demolition order dated 04.09.2025 is annexed herewith as **Annexure-B**.

That it is submitted that further action in the matter shall be taken in accordance with law after completion of the statutory period granted in the demolition order issued to the owners/occupiers.

3. Perusal of the aforesaid Status Report shows that the MCD has already passed a Demolition Order dated 04th September, 2025. Further, a Work Stop Notice dated 21st July, 2025, has also been issued to the Station House Officer (“SHO”), Police Station-Kotwali.

4. This Court notes the submission made by learned counsel appearing for the MCD that the demolition action is now fixed for 24th September, 2025.

5. Learned counsel appearing for respondent no. 3 submits that



respondent no. 3, is not the owner of the property in question. Rather it is the company, i.e., Sarv Shree Developers Pvt. Ltd., which is the owner of the property in question.

6. The aforesaid statement is taken note of.

7. Considering the fact that the MCD has already passed a Demolition Order, and a demolition action is fixed on 24th September, 2025, no further orders are required to be passed in the present writ petition.

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

9. Noting the aforesaid the present writ petition, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025
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