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

+ W.P.(C) 9994/2025 & CM APPL. 41546/2025

GURPREET SINGH

.....Petitioner

Through: Mr. Ramprakash Pandey & Mr. Aman
Singh, Advocates (through VC)

versus

GOVT OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Badar Mahmood, SPC for UOI
Mob: 9717915781
SI Sanjeev, PS Janakpuri
Mr. Pramod Kumar and Mr. Azhar
Kamal Quadri, Advocates for R-1
(through VC)
Ms. Arti Bansal and Ms. Shruti Goel,
Advocates for DDA
Mob: 9999442349
Email:

artibansalassociates@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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15.09.2025

1. The present writ petition has been filed seeking directions to the respondent nos. 2 to 4, to take appropriate action against the unauthorized construction being carried out in *DDA Flat No. C-3/448-B (First Floor), Janakpuri, New Delhi-110058*, by the respondent no. 5.
2. A short affidavit has been handed over on behalf of Delhi Development Authority ("DDA"), which is taken on record.
3. As per the DDA, the area in question has already been handed over to the Municipal Corporation of Delhi ("MCD") and requisite action has to be



taken by the MCD.

4. Learned counsel appearing for respondent no. 4, i.e., Station House Officer (“SHO”), Police Station-Janakpuri, submits that they had received a letter dated 15th July, 2025, from the Office of Executive Engineer (Building)-II, West Zone, MCD, for stopping the unauthorized construction in the property in question.

5. He submits that the local police stopped the construction and has also seized the tools. However, it is submitted that the construction is done during odd hours and on holidays.

6. Thus, it is submitted that a letter dated 31st July, 2025 has been written by the SHO, Police Station – Janakpuri, to the MCD in this regard.

7. He has handed over a copy of the said Letters, which are taken on record.

8. This Court notes that a Status Report dated 26th August, 2025, has been filed on behalf of MCD, wherein, it is stated as follows:

4. That as per record maintained by answering respondent No. 2/MCD i.e. the building department-II, West Zone/MCD, in respect of Property bearing No. C-3/448-B, Janakpuri, New Delhi, having Latitude: 28.615224 and Longitude: 77.092492, it is submitted that the aforesaid property was booked vide file No. EE (B)-II/WZ/UC/2025/102 dated 14.07.2025 for unauthorized construction in the shape of "excess coverage /extension of part portion at front side (court yard) and projection in the shape of chajja at back side. Consequently, a show cause notice u/s 344 (1) and 343 of the DMC Act was issued to Owner/Builder/ Bhati Buildcon on 14.07.2025, directing them to submit a reply within 15 days. Copy of the show cause notice dated 14.07.2025 is annexed herewith as **Annexure-‘A’**.



5. That, further a work stop notice u/s 344 (2) of the DMC Act was issued to SHO PS Janakpuri, Delhi on 15.07.2025 with a request that the aforesaid unauthorized construction activity be stopped by the Police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site during holidays & odd hours also and copy was also sent to Owner/Builder/Bhati Buildcon. Copy of the work stop notice dated 15.07.2025 is annexed herewith as **Annexure-'B'**.

6. That no reply to the said show cause notice was received from the Owner/Builder/Bhati Buildcon within stipulated period. Thereafter, following due process of law under DMC Act a Demolition Order under Section 343 of DMC Act, 1957 was passed on 01.08.2025 and issued to Owner/Builder/Bhati Buildcon on 01.08.2025 with direction to demolish the above mentioned unauthorized construction within 15 days from the date of receipt of demolition order. Copy of the demolition order dated 01.08.2025 is annexed herewith as **Annexure-'C'**.

7. That further action shall be taken by the department as per the provisions of DMC Act and in accordance with law.

9. Perusal of the aforesaid Status Report shows that the MCD has already commenced its action against the unauthorized construction in question and the said unauthorized construction already stands booked. Further, a Demolition Order dated 01st August, 2025, has already been issued by the MCD.



10. Accordingly, MCD is held bound to take action against the unauthorized construction in the property in question, in accordance with law.

11. In case, any of the parties have any grievance with regard to any action/non-action on the part of the MCD, they have the liberty to seek their remedies, in accordance with law.

12. Noting the aforesaid, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 15, 2025
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