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

+ W.P.(C) 10133/2025

BHUNESHWAR VATS

.....Petitioner

Through: Mr. Ankit Singh Sinsinwar and Mr.
Ravi Kumar, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Vipin Kumar Singh, Advocate
Mob: 9810556793
Ms. Akanksha Gupta, Advocate for
MCD
Mob: 9013799111
Email:
advakankshagupta@hotmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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23.09.2025

1. The present writ petition has been filed seeking directions to the respondent no. 1-Municipal Corporation of Delhi ("MCD"), to demolish the illegal and unauthorized construction, being carried out by respondent no. 3, in the premises bearing No. 66-E/3, *Munirka Village, South West Delhi-110067*.

2. Status Report dated 19th September 2025, has been filed on behalf of the MCD, relevant portion of which, reads as under:

"xxx xxx xxx



4. That so as to ascertain the status of the above subject property, the same has been got inspected through area field staff of Building Department –I of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the status of action as initiated / taken by the Building Department –I of South Zone – MCD is detailed herein below:

- i. As per record, this property already stands booked for unauthorized construction vide U/c file No. 164/UC/B-I/SZ/2025 dated 15/07/2025 in the shape of Ground floor to Third floor. The building is having a space / passage in between it is connected at First floor, Second floor, Third floor and terrace level, for taking the necessary demolition action u/s 343/344 of DMC Act. The mandatory Show Cause Notice vide serial No. 21768 dated 15/07/2025 has also been issued to the owner / occupier with directions to immediately stop the unauthorized construction work and to submit their reply within 15 days as to why orders of demolition order as required u/s



343 of the Act should not be passed in respect of the unauthorized construction already carried out and the unauthorized construction, if any, carried out after the issuance of the Show Cause Notice. The copy of Show Cause Notice as issued in this regard is annexed herewith as **Annexure –A.**

ii. Further, in response to the aforesaid Show Cause Notice, a reply has been received with the department vide dated 29/07/2025 from noticee Sh. Vijay Vats through his Advocate Sh. Vipin K. Singh.

iii. Moreover, on examining and considering the same, as requested for, in the interest of justice, opportunities of personal hearing have been accorded to the noticee / owner / occupier of the subject property vide dated 11/08/2025 and 21/08/2025 and after concluding the hearing proceedings the Competent Authority i.e. Assistant Engineer (Bldg)-I of South Zone – MCD has also passed the reasoned demolition order vide dated 15/09/2025 mainly observing and holding as follow:-



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Whereas the matter has been got examined. It has been reported that there is no sanctioned building plan or regularization plan, or any other document regarding valid status of existing construction submitted by the applicant. The contentions of the applicant during the course of hearing and The applicant has in his written representations have been perused. contended that no new construction has been carried out and the existing construction is old, prior to 01.06.2014, stated to have been carried out in the year 1992 and 1998. However, the documents

submitted by the applicant are not adequate enough to establish the existence of booked unauthorised construction prior to 01.06.2014, which is the cut-off date and pre-requisite to avail relief under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act. The contentions of the applicant are not sustainable for the said reasons. Hence, the construction, as booked by the Department, is liable for action under Section 343/344 of the DMC Act-1957.

I, Manoj Kumar, Assistant Engineer-Building Department - South Zone, Municipal Corporation of Delhi, vested with the powers of the Commissioner, M.C.D. under Section 343 read with Section 491 of the DMC Act, 1957 hereby order the applicant to demolish the aforesaid unauthorized construction, as reflected in the Show-Cause Notice under reference, within fifteen days of issue of this order. In the event of non-compliance, M.C.D. shall take action in accordance with law and at the risk and cost of the applicant.



The copy of the aforementioned reasoned demolition order has duly communicated to the owner / occupier / noticee vide bearing No. D/1011/EE(B)-I/SZ/2025 dated 15/09/2025 and a copy of the same is also annexed herewith as Annexure –B.

5. That further action in respect of the subject property will be taken / carried out, after expiry of the stipulated time period of 15 days as given in the aforesaid demolition order, in due course of time, as per law. „

3. Perusal of the aforesaid Status Report shows that Demolition Order dated 15th September, 2025, has been issued by the MCD and that the requisite action shall be taken in accordance with law.

4. Learned counsel appearing for the respondent no. 3 appears and submits that the construction undertaken by respondent no. 3, is not an encroachment on public land. Further, the passage, which has been constructed to connect the two properties is on a private street and belongs to the occupants themselves. Moreover, the said private street has been carved out of the private land of the owners/occupants, themselves.

5. He submits that the construction done by respondent no. 3 is old and occupied, with ground floor having been constructed in the year 1984 and first, second and third floor having been constructed in the year 1998.

6. He further submits that the electricity connections were taken *qua* the ground floor in the year 1986 and with respect to first, second and third floor



the connection was taken in the year 2011.

7. He further submits that liberty may be granted to respondent no. 3 to seek his remedies for challenging the Demolition Order passed by the MCD.

8. Liberty is so granted.

9. Accordingly, MCD is held liable to take time bound action against the unauthorized construction, existing in the property in question, subject to any order that may be passed in the proceedings initiated by respondent no. 3 challenging the Demolition Order of the MCD.

10. Noting the aforesaid, no further orders are required to be passed in the present petition.

11. The present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 23, 2025

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