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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10338/2025, CM APPL. 42899/2025, CM APPL.
56126/2025, CM APPL. 62909/2025 & CM APPL. 62910/2025
BINDU THAKURPetitioner
Through: Mr. Himanshu Singhal, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.Respondents
Through: Mr. Gaganmeet Singh Sachdeva, SC
with Mr. Harshpreet Singh Chadha
and Mr. Hridyesh Khanna, Adv. for
MCD
Mr. H.P. Sahu, Mr. Sanjeev Kumar
and Mr. P.K. Tripathy, Adv. for
applicants
Mr. Vikrant N. Goyal, Mr. Kunal
Dixit, Mr. Piyush Wadhwa and Mr.
Harsh Singh, Adv. for R-2
Ms. Amisha Grover, Adv. for R-3
with R-3 in person

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
08.10.2025

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1. The present writ petition has been filed seeking directions to the respondents to stop the illegal construction being carried out by respondent no.3 in property bearing *No. 29-D, DDA Janta Flats, L-Block, Saket, Delhi-110017*.
2. Status Report has been filed on behalf of the Municipal Corporation



of Delhi (“MCD”) dated 19th August, 2025, relevant portions of which, read as under:

“xxx xxx xxx

3. That so as to ascertain the status of the subject property i.e. bearing 29-D, DDA Flats, L-Block, Saket, New Delhi, the same has been got inspected through area field staff of Building Department –II 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 actions as initiated / taken by the department is detailed herein below:

- i) As per record, this property is already stands booked for unauthorized construction vide U/c file No. 364/B/UC/SZ/2006 dated 13/02/2006 in the shape of deviations / excess coverage against Standard Building Plan at First floor and further booked Vide File No. 29/UC/B-II/SZ/2025 dated 14/01/2025 in the shape of Second floor and Third floor & raising columns and brick walls at Fourth floor (in continuation of previous booking No. 364/B/UC/SZ/2006 dated 13/02/2006), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition order has also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide

01B/15



dated 03/03/2006 and 03/02/2025 respectively.

Copy of demolition order is annexed herewith as

Annexure – A (Colly).

ii) Furthermore, a letter dated 17/01/2025 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Saket, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure – B.**

iii) Besides this, a letter for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities vide dated 17/01/2025. Copy of the said letter is annexed herewith as **Annexure – C.**

iv) Moreover, a letter dated 17/01/2025 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – D.**

v) Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act – 1957, has also been initiated.

That further, pursuant to demolition order already passed in respect of the subject property, the Building



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Department -II of South Zone – MCD has tried to take / carry out the necessary action on various occasions i.e. on 06/03/2025, 22/04/2025, 26/05/2025 and 05/08/2025, but action could not be materialized due to shortage of time and whereas, on 26/03/2025 and 04/04/2025 action could not be taken due to non availability of police force. Copy of no force letters are also annexed herewith as Annexure – E (Colly).

5. That the department has now fixed the further necessary action programme in respect of the subject property for 22/08/2025 which will be taken / carried out, upon availability of police force.

3. Perusal of the aforesaid Status Report shows that the deviations and excess coverage in the property in question, already stands booked by the MCD, and requisite action has also been initiated.

4. Today, learned counsel appearing for the respondent-MCD has handed over copy of the Status Report dated 03rd October, 2025, which is taken on record.

5. The relevant portions of the aforesaid Status Report dated 03rd October, 2025, read as under:

“xxx xxx xxx



3. That it is submitted that pursuant to demolition order already passed in respect of the subject property i.e. bearing No. 29-D, DDA Flats, L-Block, Saket, New Delhi, the Building Department –II of South Zone – MCD has taken / carried out the necessary demolition action on pre-fixed date i.e. 22/08/2025 and upon availability of police force, 01 RCC column has been demolished / cut down with the help of gas cutter. Beside this, parapet walls have also been demolished at the terrace of Third floor. The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure –A (Colly).**

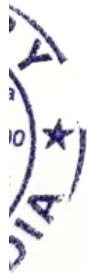
4. That after taking the aforesaid demolition action, a letter dated 28/08/2025 has also been sent to concerned, SHO PS Saket, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired. Copy of the said letter is also annexed herewith as **Annexure –B.**

5. That further it is also stated here that the Respondent No. 3 i.e. Sh. Kamal Kumar Purswani has filed an application bearing CM Appl. 56126/2025, seeking interim protection / stay from further coercive action / demolition by Respondent No. 1 i.e. Municipal Corporation of Delhi ('MCD'). This Hon'ble Court



vide its orders dated 08/09/2025 has been pleased to direct the Respondent No. 1 / MCD not to take coercive action against the property of Respondent No. 3, till the next date of hearing and adjourned the matter for 08/10/2025.

6. That vide aforesaid order dated 08/09/2025, this Hon'ble Court also asked respondent – MCD to specify about the policy with regard to the existence of construction upto the Fourth floor in the area in question. In this regard, it is stated that the subject property involved in the Writ Petition is / are DDA Flats, which have been constructed / developed by DDA under Standard Plan. The flats are two storey DDA Flats comprising of one flat at Ground floor and one flat at First floor. As per prevailing addition / alteration policy of DDA, upon prior approval, the upper floor allottee can use the roof terrace for permissible extra coverage i.e. a Barsati on roof terrace in addition to mumty is allowed. It is pointed out that this Barsati should preferably be adjoining to the mumty and equivalent to the size of room below, which will be subject to provision of access to the residents of block for maintenance of water tank, plumbing system, fixing of TV and cable antenna etc. Besides, one open urinal is also allowed. Hence, in respect of the area in question, as per the policy only part construction in the shape of Barsati adjoining to mumty and one open urinal at terrace of First floor is





permissible. No construction in the shape of Third floor and Fourth floor is allowed / permissible. The photocopy of the DDA policy in this regard is also annexed herewith as Annexure -C.

7. That considering the above, it is pointed out that the owner / occupier of the subject property / flat has carried out the unauthorized construction by covering the entire Second floor, Third floor and raising columns and brick walls at Fourth floor, which the department has already booked in terms of the earlier status report filed / placed before this Hon'ble Court.

xxx xxx xxx”

6. Perusal of the aforesaid Status Report shows that requisite demolition action has already been taken by the MCD on 22nd August, 2025. Photographs have been attached along with the Status Report, two of which, are reproduced as under:



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7. Further, a watch and ward letter dated 28th August, 2025 has also been issued to the Station House Officer (“SHO”), Police Station, Saket.

8. Accordingly, leaving the issue with regard to the private dispute between the petitioner and the applicant in *CM APPL. 62909/2025* open, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/KR