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

+ **W.P.(C) 11043/2024**

NAWAB ALI MANSORI

.....Petitioner

Through: Mr. Rohit Yadav, Mr. Manish Kumar
and Mr. Pawan Kumar, Advocates
(through VC)

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER, & ORS.**

.....Respondents

Through: Mr. Umesh K Burnwal, Advocate for
MCD (through VC)
Mr. Chiranjiv Kumar and Mr.
Mukesh Sachdeva, Advs. for R-4,
SHO-Laxmi Nagar.
Mob: 9971170154

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
28.03.2025**

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1. The present writ petition has been filed seeking directions to the respondents to take necessary action against the illegal and unauthorised construction activities being carried out by respondent no. 5 in property bearing no. 3/144, 145, J-Ext., Laxmi Nagar, Delhi-110092, without any sanction/approval.
2. This Court notes that a Status Report has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:



“xxx xxx xxx

3. That, as per record of Building Department, Shahdara South Zone, MCD, the property bearing No. 3/144, J-Extension, Laxmi Nagar, Delhi has already been booked vide unauthorized construction file No.88/B/UC/SS/2023 dated 16.08.2023 for raising construction in the shape of Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor & Fifth Floor without valid permission from the department i.e. without getting the building plan sanctioned.
4. That, accordingly, Show Cause Notice u/s 344 (1) & 343 of the DMC Act, 1957 (66 of 1957) had been issued to Owner (s)/Builder (s). After due process of law, the department passed the demolition order u/s 343 of the Delhi Municipal Act, 1957 against impugned property on 21.09.2023. Copy of Demolition Order Notice is annexed as **Annexure R – 1**.
5. That, it is further to submit that the department intended to execute demolition action on 18.10.2023 & 23.10.2023 but the same could not be taken on account of non-availability of police from concerned Police Station – Laxmi Nagar, Delhi.



6. That, the department has initiated sealing action u/s 345-A of the DMC Act, 1957 against impugned property and Sealing Show Cause Notice dated 31.07.2024 has been served upon / sent to Owner (s)/Occupier (s)/Builder (s) of the property. In response, the Owner (s)/Occupier (s)/Builder (s) failed to submit any reply within stipulated time resulting in order of sealing was passed u/s relevant section of DMC Act, 1957. Copy of Sealing Order is annexed as **Annexure R – 2**.

7. That, in compliance of order of demolition / sealing, the department executed sealing action on 12.08.2024 wherein shops at Ground Floor of the premises was sealed. Photograph taken during the action is annexed as **Annexure R – 3**.

8. That, further sealing action was taken on 04.09.2024 in the presence of police force, wherein two flats entry gate at Second Floor were sealed via 02 points. Also, a letter dated 05.09.2024 has been forwarded to the SHO, PS – Laxmi Nagar, Delhi to keep a strict watch and ward over the sealed premises so that it may not be tampered temporary/permanent by the Owner (s)/ Occupier (s). Copy of the letter dated 05.09.2024 is annexed as **Annexure R – 4** & Photograph taken during the course of action on 04.09.2024 is annexed as **Annexure R – 5**.

9. That, another demolition/sealing programme was scheduled for 06.09.2024, but action could not be taken on the property in question due to shortage of time since the

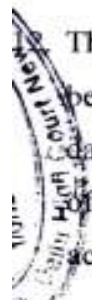
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police assistance was provided at 1:00 PM and being another High Court matter, demolition action was taken at property No. H-55A, Laxmi Nagar, Delhi and action carried out till 5:00 PM and thereafter heavy rainfall started. Another demolition/sealing action has been fixed on 19.09.2024 and 20.09.2024 under the jurisdiction of PS – Laxmi Nagar, Delhi. Copy of request letter dated 06.09.2024 to the SHO, PS – Laxmi Nagar, Delhi is annexed as **Annexure R – 6**.

10. That, on 19.09.2024, JE (Bldg.) reported the Police Station – Laxmi Nagar, Delhi, but police force was made available after 3:00 PM. Since, the property was found occupied, demolition action could not be taken, however, sealing action was taken by way of re-sealing five shops at Ground Floor via 5 points in presence of police force. Photographs taken on 19.09.2024 are annexed herewith as **Annexure R – 7 (Colly)**.

11. That, on 20.09.2024, demolition action was taken by way of cutting one RCC panel at First Floor and thereafter, the sealing action was taken by sealing main entrance gate of one flat at First Floor. Photographs taken on 20.09.2024 are annexed herewith as **Annexure R – 8 (Colly)**.



That, a vacation Notice u/s 349 of DMC Act, 1957 has been served upon to the owner (s)/occupier (s) vide letter dated 27.09.2024 to vacate the premises within 24 hours of receipt of the notice so that MCD may take demolition action against unauthorized construction existing in the



premises. Copy of the same has also been forwarded to SHO , PS – Laxmi Nagar, Delhi with the request to get the premises vacated, if the same is not vacated within the stipulated time. Copy of letter dated 27.09.2024 is annexed herewith as **Annexure R – 9**.

13. That, further course of action will be taken in due course of time as per law.

xxx xxx xxx”

3. Mr. Rohit Yadav, learned counsel appearing for the petitioner submits that he is satisfied with the action that has been initiated by the MCD. He submits that he shall be satisfied, if directions are given to the MCD to take further action against the unauthorised construction, in question.
4. Accordingly, it is directed that the MCD shall take further requisite action against the unauthorised construction in question.
5. With the aforesaid directions, the present petition is accordingly disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025

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