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

+ W.P.(C) 11113/2025

MS SHOBHA AGNIHOTRI

.....Petitioner

Through: Mr. S.M. Pandey, Mr. Ekta Kalra and
Mr. Kartik Kalra, Advocates
Mob: 9718223997

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Harish Singhal and Mr. Mugdha
Avnish and Mr. Utkarsh Singhal,
Advocates for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **16.09.2025**

1. The present writ petition has been filed seeking directions to the respondent to execute the demolition of the unauthorized construction, i.e., 1st to 4th floor in property bearing no. J-4/21-B, Kalkaji, New Delhi-110019.
2. A Status/Action Taken Report dated 13th September, 2025 has been filed on behalf of Municipal Corporation of Delhi ("MCD"), relevant portions of which, are reproduced as under:

4. That so as to ascertain the status of the subject property i.e. bearing No. J-4/21-B, Kalkaji, New Delhi, 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 actions as initiated / taken by the department is detailed herein below:

- i) The aforementioned subject property is a DDA Flat at Kalkaji, New Delhi, constructed under Standard Plan and also allotted by DDA.
- ii) As per record, this property already stands booked for unauthorized construction vide U/c file No. 357/UC/B-II/SZ/2019 dated 30/12/2019 in the shape of deviations / excess coverage against Standard Plan of DDA in the form of coverage of open court yard at First floor, unauthorized construction of Second floor, Third floor, 01 bathroom at Fourth floor and projections on Municipal land, for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary demolition order has also been passed by the Competent Authority i.e. AE (Bldg)-II of South Zone – MCD vide dated 16/01/2020. Copy of the demolition order is annexed herewith as **Annexure –A.**
- iii) Furthermore, since the property is occupied, a Vacation Notice u/s 349 of DMC Act – 1957 dated 29/07/2025 has been issued to the owner / occupier to vacate the same so that demolition action be carried out smoothly and a copy thereof has also been endorsed to concerned, SHO PS Kalkaji, New Delhi with the request to get the impugned property / portion vacated. Copy of the said Vacation Notice dated 29/07/2025 is annexed herewith as **Annexure –B.**



iv) Further, pursuant to demolition order already passed in respect of the subject property, the Building Department –I of South Zone – MCD has taken / carried out the necessary demolition action vide dated 29/08/2025 and upon availability of police force, bathroom at terrace of Third floor has been demolished and rendered the same unusable. The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure –C (Colly).**

5. That simultaneously, after taking the aforesaid demolition action, a letter dated 29/08/2025 has also been sent to concerned, SHO PS Kalkaji, 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 –D.**
6. That the department has now fixed the further necessary demolition action programme in respect of the subject property for 29/09/2025 which will be taken / carried upon availability of police force.



7. That moreover, it is also pertinent to mention here that the petitioner herein has not come with clean hands before this Hon'ble Court and has suppressed the material facts that her property i.e. flat bearing No. J-4/21-A, DDA Flats, Kalkaji, New Delhi, is also stands booked for unauthorized construction vide U/c File No. 356/UC/B-I/SZ/2019 dated 30/12/2019 in the shape of deviations / excess coverage against Standard Plan of DDA in the form of coverage of open court yard at Ground floor and projection on Municipal Land, for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary demolition order also stands passed by the Competent Authority i.e. AE (Bldg)-I of South Zone vide dated 16/01/2020. Copy of demolition order is also annexed herewith as **Annexure – E.**

8. That further, as per record, on being aggrieved, the owner / occupier / petitioner herein has also filed an Appeal bearing No. 537/ATMCD/2025 titled as "*Ms. Shobha Agnihotir VS MCD*" before the Hon'ble Appellate Tribunal – MCD. The said appeal was lastly listed on 10/09/2025 and further adjourned for 15/10/2025. The copy of order dated 10/09/2025 is annexed herewith as **Annexure – F.**



9. That further it is also pertinent to point out here that in respect of the subject property, a Civil Suit for permanent / mandatory injunction and damages bearing CS DJ – 200/2024 titled as “*Shobha Agnihotri VS Ramesh Kumar & Ors.*” is also pending disposal before Hon’ble District Court, Saket, New Delhi and is now listed for 27/10/2025. It is pointed out that in the said Civil Suit, the issues have also been framed by the Hon’ble District Judge vide order dated 21/12/2024. The copy of the order dated 21/12/2024 is annexed herewith as Annexure – G.

3. Considering the submissions made before this Court, it is evident that the MCD has already initiated action against the unauthorized construction, existing in the property in question.
4. Accordingly, MCD is held bound to take the requisite action against the unauthorized construction existing in the subject property.
5. 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.
6. Noting the aforesaid, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 16, 2025
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