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

+ W.P.(C) 11169/2025 & CM APPL. 45824/2025, CM APPL. 58987/2025, CM APPL. 58988 /2025

CHITRA MEHTA & ANR.

.....Petitioners

Through: Mr. Abhishek Singh, Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Shivani Kalra, Mr. K.V. Vibhu Prasad, Mr. Utkarsh Sahu and Mr. Ayush Soni, Advs.

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versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Bharat Malhotra, Adv. for R-MCD

Mob: 8447151507

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Mr. Shashi Pratap Singh, Ms.

Aishwarya Bhatia and Ms. Anamika Tyagi, Advs. for R-3/STF

Mr. Raj Kumar Yadav, SPC with Ms. Anjali Ahlawat and Mr. Ratna Ujjwal Saha, Advs. for R-4/SHO

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Mr. Mukesh Birla, Mr. Rohitash and Mr. Surender Kumar, Advs. for R-5

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Email: mishrarohitash81@gmail.com



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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19.09.2025

CM APPL. 58987/2025

1. The present application has been filed on behalf of Ms. Shazia Ansari, seeking impleadment in the present petition as petitioner no. 3, on the basis that she is the owner of *Flat No. B-2/2308, Second Floor, Green Glade Apartment, Vasant Kunj, New Delhi-110070*.
2. Learned counsel appearing for the applicant has drawn the attention of this Court to the photographs annexed with the application to show that on account of construction, there has been accumulation of water on the third floor. The photograph with regard thereto, is reproduced as under:





3. Learned counsel appearing for the applicant further draws the attention of this Court to the photographs to show that water seepage has occurred in the flat of the applicant, on account of the accumulation of water on the third floor. Photographs of the flat of the applicant, i.e., owner of second floor, is reproduced as under:





4. Considering the submissions made before this Court, without going into the merits of the claim of the applicant, the respondent no. 5 herein may assist the applicant herein, in getting the portions of the second floor flat repaired and rectified, wherein seepage has occurred.

5. With the aforesaid directions, the present application is disposed of.

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6. The present writ petition has been filed seeking directions to respondent nos. 1 to 4, to take action against the illegal and unauthorized construction made by respondent no. 5 at property bearing no. B2/2311, Third Floor, Green Glade Apartments, Vasant Kunj, New Delhi-110070.

7. Learned counsel appearing for respondent no. 3-Special Task Force



("STF"), has handed over to this Court, a Report that they have received from the Municipal Corporation of Delhi ("MCD"), which is taken on record. Learned counsel appearing for the STF submits that requisite action has already been initiated by the MCD.

8. Learned counsel appearing for the MCD has handed over to this Court, Status Report filed on behalf of the MCD, which is also taken on record.

9. As per the Status Report of the MCD, action has been taken against the unauthorized construction existing in the property, in the following manner:

"xxx xxx xxx

4. The considering the aforementioned relief so far as role of Building Department -II of South Zone of Respondent -MCD, it is submitted that so as to ascertain the status of the subject property, 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 are detailed herein below:

i. As per record, this property is stands booked for unauthorized construction vide U/c file No. 459/UC/B-II/SZ/2025 dated 25/07/2025 in the shape of extending balcony at front side & raising columns from Ground floor to Third floor roof with extended balcony in right side of flat against Standard DDA Plan, for taking the



demolition action u/s 343/344 of DMC Act – 1957. The mandatory Show Cause Notice vide serial No. 21914 dated 25/07/2025 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. Furthermore, a letter dated 29/07/2025 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Vasant Kunj (North), 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 is also annexed as **Annexure – B**

iii. Further, in response to the aforesaid Show Cause Notice, a reply along with certain documents have been received with the department vide dated 08/08/2025 from Ms. Sheetal Man W/o Shri Jitender Singh.



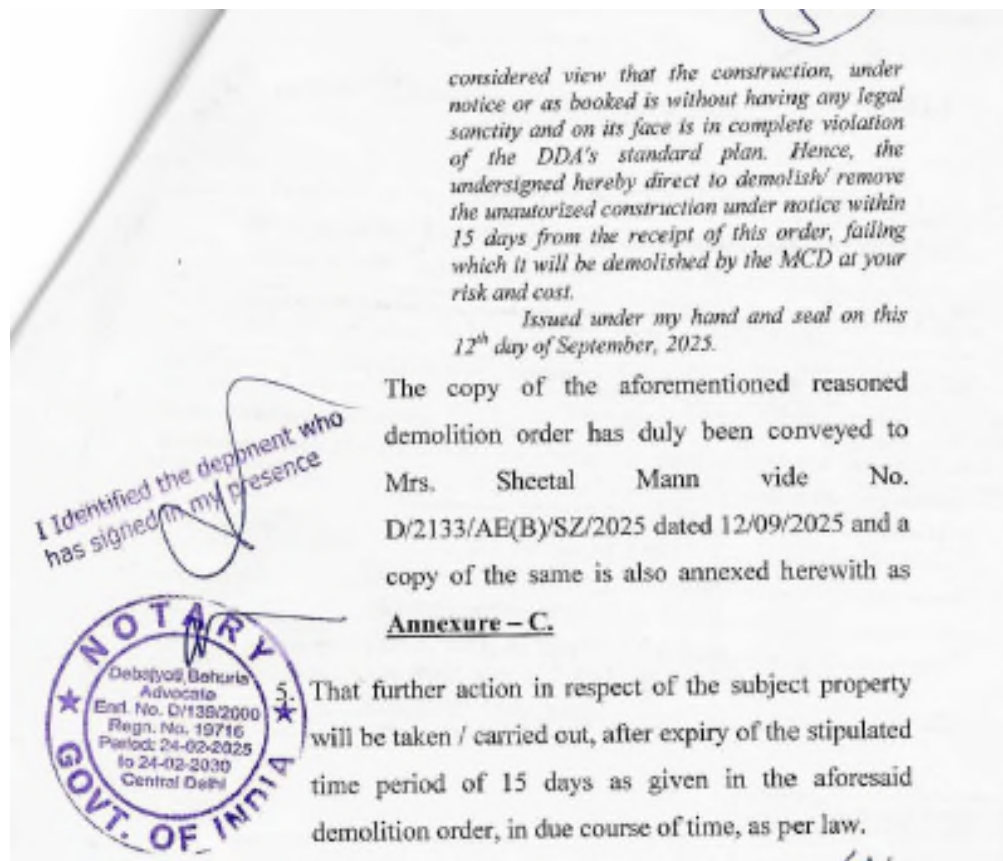
iv. Moreover, on examining and considering the averments of the reply wherein, the noticee herein has expressed her readiness, in removing the alleged unauthorized construction and taking note of her submissions, further course of proceeding was withheld or placed under suspension, giving ample opportunity to the noticee for taking corrective measures, as far as removal of construction under notice.

v. However, on inspection, the Jr. Engineer (Bldg) –II of South Zone – MCD has reported that no corrective measure w.r.t. demolition of booked portion has been taken on the part of noticee herein, despite, giving ample opportunities. Considering the same, the Competent Authority i.e. AE (Bldg) –II of South Zone – MCD has passed the reasoned demolition order mainly holding as follow:

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AND THEREFORE, in consistency with the averments of the reply the Jr. Engineer (Bldg.) concerned was directed to put up latest site position; as there is no hesitation or impediment of whatsoever, in nature, in taking corrective measures at the end of noticee herein having top/ third floor (with terrace). After conducting inspection the JE(B) concerned has reported that no corrective measure w.r.t. demolition of booked portion has been taken on the part of noticee herein.

In view of above, I, Shubham Bansal, Asstt. Engineer (Bldg.), South Zone vested with the powers of the Commissioner, MCD U/s 343 (1) read with Section 491 of DMC Act, am of the



10. Perusal of the aforesaid Status Report shows that a Demolition Order dated 12th September, 2025 has already been issued with respect to the property in question. Further, this Court notes the submission made by learned counsel appearing for the MCD that requisite action shall be taken, after following the due process of law.
11. Accordingly, the MCD is held bound by the aforesaid statement.
12. It is directed that requisite action shall be taken against the property in question, after following the due procedure.
13. The rights of respondent no. 5, to seek their remedies, in case, they are aggrieved by any action of the MCD, is reserved.
14. Accordingly, liberty is granted to respondent no. 5 to seek their



remedies, in accordance with law, in case they are aggrieved by any action of the MCD.

15. At this stage, learned counsel appearing for the petitioners and owner of second floor flat submits that in case, need be, they be permitted to carry out repair work at their own end, in order to secure their flat.

16. Liberty is granted to do the needful, in accordance with the Building Bye-Laws.

17. Accordingly, no further directions are required to be passed in the present petition.

18. The present petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025/SK