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

+ **W.P.(C) 11294/2025 & CM APPL. 52602/2025**

ANUPMA SHARMA

.....Petitioner

Through: Mr. Arkaneil Bhaumik and Mr.
Aniket Chauhaan, Advs. (Through
VC)

Mob: 9874123633

Email: arkaneilb@gmail.com

versus

**GOVERNMENT OF NCT OF DELHI THROUGH CHIEF
SECRETARY & ORS.**

.....Respondents

Through: Mr. Raghvendra Upadhyay, SC for R-
1/GNCTD (Through VC)

Mob: 9818720615

Email: advrghv@gmail.com

Mr. Parminder Singh, SC for R-
2/MCD with Mr. Tejasvi Chaudhary
and Mr. Aryavansu, Advs.

Mob: 7042261567

Mr. Arjun Mahajan, SC with Mr.
Apporv Upmanyu and Mr. Harsh
Vashist, Advs. for R-DDA

Mob: 9899215738

Mr. Chand Chopra and Mr. Shivam
Bansal Advs. for R-STF

Mob: 7889101486

Email: shivam@chandchopra.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

25.08.2025

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1. The present writ petition has been filed seeking directions to



respondent nos. 1, 2 and 4 to demolish the illegal construction carried out by respondent no. 3 on the fourth and fifth floors of the building premises, i.e., property bearing No. C-4, UG-2, Dilshad Garden, Delhi-110095.

2. Learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”) has handed over a copy of Status Report dated 22nd August, 2025, filed on its behalf. The same is taken on record.

3. As per the said Status Report, the MCD has already carried out demolition action on 21st and 22nd August, 2025.

4. Relevant portion of the Status Report dated 22nd August, 2025 filed on behalf of the MCD reads as under:

“xxx xxx xxx

6. That the, it is pertinent to mention that special sealing program was fixed for 11.02.2025 and during the action one room, washroom & shaft room were sealed at 04 points on top floor of the subject property. Complete demolition/sealing action could not be taken place as premise was found residentially occupied by the family of the occupier.

7. That the, further vacation notice U/s 349 of DMC Act vide letter No. AE(B)-I/SH-N/2025/D-84 dated 25.03.2025 was issued to owner/occupier of the third floor & fourth floor in respect of property bearing No. C-4, Dilshad Colony, Delhi.

8. That the, in compliance of the order dated 11.09.2024 in WP (C) No. 12059/24 wherein respondent MCD was directed to carry out the necessary exercises to examine as to whether the construction in question is protected under the provision of National Capital Territory of Delhi laws (Special provisions) Second Act 2011. Accordingly, a letter bearing no. AE(B)-I/Shah (N) Zone/2025/D-83 dated 25.03.2025 was sent to the owner/occupier of the fourth floor in respect of subject property to provide the documents in respect of claim for protection.

9. That the in response to letter dated 25.03.2025, the occupier Sh. Shri Narayan Dubey had submitted the reply on 01.04.2025 along with some documents such as Aadhar Card (self), Voter Card, Birth Certificate of his daughters etc. The documents submitted by the owner were sent to different government departments for verification and on examination of these documents by the respective departments, it was revealed that no documents establish the claim of the owner Sh.



Narayan Dubey that the fourth floor was in the existence prior to cut off date i.e. 08.02.2007. Hence, it was concluded that the fourth floor of the subject property does not comes under the ambit of provisions of National Capital Territory of Delhi Laws (Special Provision) Second Act, 2011.

10. That the further demolition / sealing action programme has been fixed for 21.08.2025 & 22.08.2025 under the jurisdiction of SHO PS Seemapuri. During the course of action unauthorized construction exists at fourth floor of subject property has been demolished except the Mobile Tower which comes under the ambit of provisions of National Capital Territory of Delhi Laws (Special Provision) Second Act, 2011. It is also pertinent to mention that the Basement, Ground Floor, First Floor & Second Floor of the subject property were constructed as per sanctioned building plan / regularization plan and Third Floor comes under the ambit of protection of provisions of National Capital Territory of Delhi Laws (Special Provision) Second Act, 2011 due to the existence of installation of Mobile Tower prior to cut off dated i.e. 08.02.2007 and the information in this regard is already in the cognizance of this Hon'ble Court.

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5. Learned counsel appearing for the respondent-MCD has also handed over to this Court a copy of the photograph showing the action taken by the MCD, which is reproduced as under:





6. Considering the aforesaid, this Court notices that requisite action has already been undertaken by the MCD.
7. At this stage, learned counsel for the petitioner submits that the outer boundary wall is to be demolished.
8. Accordingly, it is directed that further action, wherever required, shall also be taken by the MCD, in accordance with law.
9. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner shall have liberty to revive the present writ petition.
10. Accordingly, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

AUGUST 25, 2025/SK