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

+ W.P.(C) 11360/2025 & CM APPL. 46628/2025

SMT. SADIKA & ORS.

.....Petitioners

Through: Mr. Arshad Ali, Advocate
Mob: 9818463884
Email: ch.archad.adv@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Anuj Gupta, Advocate for MCD
Mob: 7834814477
Email: anujassociates2018@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **15.09.2025**

1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD") to take action against the unauthorised construction existing in the property bearing No. 2282, *Gali Jitender Wali, Near Shankar Gali, Asaf Ali Road, Turkman Gate, New Delhi-110006*.
2. Learned counsel appearing for MCD has handed over a copy of Status Report dated 12th September, 2025, which is taken on record.
3. As per the said Status Report, action has been taken by MCD, in the following manner:



3. The property bearing no. 2282, Gali Jitendra, Shankar Gali, Bazar Sita Ram, Delhi was inspected on 10.01.2025 wherein it was noticed that *“unauthorized construction in the shape of entire ground floor, first floor, second floor and erection of shuttering of third floor without any SBP permission”* was carried out and the action under section 344(1) and 343 of the DMC Act was initiated vide file no.02/UC/77/(B)-II/CSPZ/2025 dated 10.01.2025 and a show cause notice dated 10.01.2025 was issued to Owner/Builder to show as to why demolition order be not passed. Thereafter, a work stop notice dated 14.01.2025 was also issued to the SHO P.S. Chandni Mahal with the request to ensure that no further construction work is carried out in the property in question. A copy of work stop notice dated 14.01.2025 is annexed herewith as **Annexure-A.**
4. That it is submitted that after following due process of law demolition order dated 20.01.2025 was passed thereby directing to demolish the unauthorized construction in the shape of entire ground floor, first floor, second floor and third floor within 06 days failing which the same will be demolished at the risk and cost of the noticee. A copy of demolition order dated 20.01.2025 is annexed herewith as **Annexure-B.**
5. That it is submitted that in execution thereof demolition action planned on 28.02.2025 however action could not be due to shortage of time. Further demolition action was planned on 06.03.2025 wherein 01 RCC panel was cut/demolished at the roof of first floor. A watch and ward letter dated 10.03.2025



was issued to SHO P.S. Chandni Mahal to keep strict watch and ward over the demolished portion so that the demolished portion may not be reconstructed or repaired. Photographs showing demolition action taken on 06.03.2025 and copy of watch and ward letter dated 10.03.2025 are annexed herewith as **Annexure-C(Colly) & D** respectively.

6. That it is further submitted that in continuation of demolition order, another demolition actions were planned on 21.04.2025, 07.05.2025, 16.05.2025, 18.06.2025 & 14.07.2025 however action could not be taken either due to shortage of time or non-availability of police force.

7. That it is submitted that further unauthorized construction in the shape of entire fourth floor and fifth floor in continuation to earlier booking vide no. 02/UC/77/(B)-II/CSPZ/2025 dated 10.01.2025 was noticed and the same was booked vide file No.103/UC/77/B-II/CSPZ/2025 dated 29.07.2025 under section 343 & 344 of the DMC Act and a Show Cause notice dated 29.07.2025 issued to the Owner/Builder thereby directing him to Show Cause as to why demolition order be not passed in respect of aforesaid unauthorized construction. Thereafter, a work stop notice dated 29.07.2025 was also issued to the SHO P.S. Chandni Mahal with the request to ensure that no further construction work is carried out in the property in question. A copy of work stop notice dated 29.07.2025 is annexed herewith as **Annexure-E**.



8. That it is submitted that demolition action has been taken at ongoing stage on 13.08.2025 wherein 02 RCC panels have been demolished/cut at the roof of fourth floor. Thereafter a watch and ward letter dated 19.08.2025 was issued to SHO P.S. Chandni Mahal to keep strict watch and ward over the demolished portion so that the demolished portion may not be reconstructed or repaired. Photographs showing ongoing demolition action taken on 13.08.2025 and copy of watch and ward letter dated 19.08.2025 are annexed herewith as **Annexure-F(Colly) & G** respectively.

9. That it is submitted that after following due process of law demolition order dated 01.09.2025 was passed thereby directing to demolish the unauthorized construction. A copy of demolition order dated 01.09.2025 is annexed herewith as **Annexure-H**. That it is submitted that further action in the matter shall be taken in accordance with law after completion of the statutory period granted in the demolition order issued to the owners/occupiers.

10. That it is submitted that in compliance of order dated 01.08.2025 passed by this Hon'ble Court the petitioner property was also inspected on 06.08.2025 the same was found to be fully occupied. The property comprises Ground Floor, First Floor, Second Floor and Third Floor which has been constructed without any prior permission/sanction from MCD. It is submitted that at the time of inspection neither any construction work was going on nor any building material found stacked at site. Photograph showing current status of the property bearing no. 2283, Gali Jitendra, Shankar Gali, Bazar Sita Ram, Delhi are annexed herewith as **Annexure-I**.



4. Perusal of the aforesaid Status Report shows that MCD has already commenced the action against the property in question.
5. Demolition action was taken by the MCD on the first floor of the property in question on 06th March, 2025. Further action was taken on the fourth floor of the property on 13th August, 2025. Further, Demolition Order dated 01st September, 2025 has also been issued by the MCD with respect to existing unauthorized construction in the property in question.
6. This Court records the statement made by learned counsel appearing for the MCD that requisite action shall be taken against the unauthorized construction existing in the property in question.
7. Accordingly, MCD is held bound to take requisite action against the unauthorized construction, in accordance with law.
8. In case, any of the parties are 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.
9. Noting the aforesaid, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 15, 2025

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