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

+ **CONT.CAS(C) 1179/2025**

SIKANDAR

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Advocate
with Ms. Kavya, Mr. Kamal Jindal
and Mr. Deekshant Kaushik, Advs.
Mob: 9818369860
Email: kjindal2004@gmail.com

versus

ASHWANI KUMAR (COMMISSIONER) & ORS.Respondents

Through: Mr. Siddhartha Gupta, SC for R-1 to
3/MCD
Mob: 9810141287
Ms. Ekta Choudhary and Ms. Rushali
Sikand, Advs. for R-4
Mob: 9910376565
Email: guptasiddharth73@gmail.com
Ms. Pooja Dhar and Mr. Pratul Pratap
Singh, Advs. for R-5
Mob: 981048862

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+ **W.P.(C) 8949/2025 & CM APPL. 41135/2025**

SIKANDAR

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Advocate
with Ms. Kavya, Mr. Kamal Jindal
and Mr. Deekshant Kaushik, Advs.
Mob: 9818369860
Email: kjindal2004@gmail.com

versus

**THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI
& ORS.**Respondents



Through: Mr. Siddhartha Gupta, SC for R-1 to 3/MCD
Mob: 9810141287
Email: guptasiddharth73@gmail.com
Ms. Kadambini Sharma, Sr. Panel Counsel with Mr. Shivam Kori, Adv. for R-4
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Ms. Pooja Dhar and Mr. Pratul Pratap Singh, Adv. for R-5
Mob: 981048862

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

08.10.2025

1. The present petitions pertain to the issue with regard to taking action against the unauthorized construction being carried out by respondent no. 5 in part of property bearing No. A-2, Khasra No. 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030.
2. When the matter was listed before this Court on 10th September, 2025, in view of the submissions made before this Court, the following order came to be passed:

“xxx xxx xxx

5. He draws the attention of this Court to the complaint dated 27th June, 2025, filed by the petitioner which is Annexure P-3 to the present writ petition, wherein, the address of the petitioner has been shown as A-2, Khasra No. 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030.

6. Learned counsel for the purchaser further draws the attention of this Court to the Aadhar Card of the petitioner, wherein, his address is shown as Kolkata, West Bengal.



7. He further draws the attention of this Court to the Memo of Parties in the writ petition, wherein, the petitioner is shown as resident of A-2/A, Khasra 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030.

8. Learned counsel appearing for the purchaser of the subject property submits that the petitioner does not stay in the aforesaid address, as given in the Memo of Parties. He further draws the attention of this Court to the address as given in the Memo of Parties in the Contempt Petition, wherein, the address of the petitioner is stated as follows:

- **A-2/1, Khasra 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030**

9. Accordingly, Station House Officer (“SHO”), Police Station Mehrauli is directed to ascertain as to whether the petitioner stays in any of the following two addresses:

- A-2/A, Khasra 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030**
- A-2/1, Khasra 60, Anupam Enclave, Phase I, Saidulajab, New Delhi-110030**

10. Let Status Report be filed by the SHO, Mehrauli, within a period of ten days from today.

11. Re-notify on 08th October, 2025.”

3. Today, learned Senior Counsel appearing for the petitioner, has handed over to this Court copy of a suit filed on behalf of the petitioner against respondent no. 5, seeking specific performance.

4. Learned Senior Counsel for the petitioner submits that the petitioner had purchased the subject property from respondent no. 5, on the basis of which, the said suit for specific performance has been filed.

5. The documents handed over by learned Senior Counsel for the petitioner pertaining to the suit filed by the petitioner against respondent no. 5, are taken on record.

6. Learned Senior Counsel appearing for the petitioner submits that



since construction was noticed in the portion of the property purchased by the petitioner, the present writ petition has been filed.

7. Learned counsel appearing for the Delhi Police has handed over copy of the Status Report filed on behalf of Station House Officer (“SHO”), Police Station Mehrauli, which is taken on record.

8. As per the said Status Report, the neighbours and other concerned persons have not been able to recognize the petitioner.

9. Responding to the aforesaid, learned Senior Counsel appearing for the petitioner submits that the petitioner has recently purchased the property in question, and since, the possession of the premises have still not been handed over to the petitioner, the petitioner has filed a suit for specific performance, in regard thereto.

10. Learned counsel puts in appearance on behalf of respondent no. 5, and submits that she represents the subsequent purchasers of subject property as well. She submits that the subsequent purchasers of the property in question from respondent no. 5 are M/s J&K Real Estate Builders and Developers, Mr. Satish Kumar and Mr. Sultan Singh Deswal.

11. She further submits that the subsequent purchasers from respondent no. 5 are in possession of the property in question.

12. At this stage, learned counsel appearing for the MCD draws the attention of this Court to the Status Report filed on behalf of the MCD.

13. It is to be noted that a Status/Action Taken Report dated 10th September, 2025, has been filed on behalf of MCD in *CONT.CAS(C)* 1179/2025, relevant portions of which, read as under:

“xxx xxx xxx



5. That so as to ascertain the status of the subject property i.e. bearing No. A-2, Khanna no. 60, Anupam Enclave, Phase -I, Saidulajab, New Delhi-110030, 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 booked for unauthorized construction vide U/c File No. 403/UC/B-II/SZ/2025 dated 01/07/2025 in the shape of Still floor, Ground floor and raising columns of First floor and further booked vide U/c File No. 471/UC/B-II/SZ/2025 dated

04/08/2025 in the shape First floor, Second floor and raising columns / brick walls of Third floor (in continuation of earlier booking No. 403/UC/B-II/SZ/2025 dated 01/07/2025), for taking the necessary demolition action u/s 343/344 of DMC Act - 1957. Upon following due process of law, the necessary demolition orders have also been passed by the Competent Authority i.e. AE (B)-II of South Zone - MCD vide dated 17/07/2025 and 22/08/2025 respectively. Copy of demolition orders are annexed herewith as **Annexure -A (Colly)**.

Moreover, on noticing the further unauthorized construction in respect of the subject property, the same has also been booked by the department vide U/c File 515/UC/B-II/SZ/2025 dated 02/09/2025 in the shape of Third floor and Fourth floor (in continuation of previous booking No. 471/UC/B-II/SZ/2025 dated 04/08/2025), for taking the necessary demolition action u/s 343/344 of DMC Act - 1957. The mandatory Show Cause Notice vide serial No. 22031 dated 02/09/2025 has also been issued to the owner / occupier of the subject property, copy of the same is also annexed herewith as **Annexure - B**.

ii) Furthermore, letters dated 02/07/2025, 07/07/2025, 02/09/2025 and 04/09/2025 u/s



344 (2) of the DMC Act – 1957 have also been sent to SHO, PS. Mehrauli, 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 letters as sent in this regard are also annexed as **Annexure – C (Colly).**

iii) Besides this, letters dated 02/07/2025, 02/09/2025 and 04/09/2025 for disconnection of Electricity and Water supply from the aforesaid property have also sent to the concerned authorities. Copy of the said letters are annexed herewith as **Annexure – D (Colly).**

iv) Moreover, a letter dated 02/07/2025, 02/09/2025 and 04/09/2025 have also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letters are also annexed herewith as **Annexure – E (Colly).**

v) In addition to above, Prosecution action under section 466-A of DMC Act, 1957 has also been initiated and a complaint bearing No. D-1829/Prosecution /DC/EE(B)-II/SZ/2025 dated 19/08/2025 has also been sent to DCP, South District, Hauz Khas New Delhi. Copy of the complaint is also annexed herewith as **Annexure –F.**



vi) Apart from this, sealing proceedings u/s 345-A of DMC Act – 1957 has also been initiated in respect of the subject property.

vii) Moreover, it is also pertinent to mention here that pursuant to aforesaid demolition orders already passed in respect of the subject property, the Building Department –II of South Zone – MCD has tried / taken / carried out the necessary action as per details given herein below:-

S.No.	Date of Action	Action Taken
1.	08/08/2025	Action could not be taken due to non-availability of police force.
2.	08/09/2025	Upon availability of police force, 02 RCC panels at roof of Fourth floor have been demolished and steel reinforcement bars cut down with the help of gas cutter. Beside this, 01 room at terrace has also been demolished.

The photographs taken during the aforesaid demolition action along with copy of no force



letter are annexed herewith as Annexure –G (Colly).

8. That simultaneously, after taking the aforesaid demolition action, a letter dated 08/09/2025 has also been sent to concerned, SHO PS Mehrauli, 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 dated 08/09/2025 is also annexed herewith as Annexure –H.

9. That so as to take further action in respect of the subject property, the department has now fixed the further action programme for 17/09/2025 which will be taken / carried out, upon availability of police force.

14. This Court notes that further Status/Action Taken Report dated 04th October, 2025, has been filed on behalf of the MCD in W.P.(C) 8949/2025, relevant portions of which, read as under:

“xxx xxx xxx

3. That it is submitted that pursuant to demolition orders already passed in respect of the subject property i.e.

bearing No. A-2, Khasra no. 60, Anupum Enclave, Phase –I, Saidulajab, New Delhi, the Building Department –II of South Zone – MCD has further taken / carried out the necessary demolition action on pre-fixed date i.e. 17/09/2025 and upon availability of police force, 02 big size RCC panels have been demolished and cut down the reinforcement bars with the help of gas cutter at Third floor. The photographs taken during the aforesaid action are annexed herewith as Annexure –A (Colly).



4. That after taking the aforesaid demolition action, a letter dated 18/09/2025 has also been sent to concerned, SHO PS Mehrauli, 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 dated 18/09/2025 is also annexed herewith as Annexure -B.

5. That the department has now fixed the further necessary action programme in respect of the subject property for 22/10/2025 which will be taken / carried out upon availability of police force. *AK*”

15. Perusal of the aforesaid Status Report shows that the MCD has already initiated action against the property in question and that the next program for action has been fixed for 22nd October, 2025.

16. Accordingly, the MCD is enjoined upon to take action against the unauthorized construction existing in the property, in accordance with law.

17. In case, the subsequent purchasers of the property in question from respondent no. 5 have any grievance with the demolition action taken by the MCD, or the demolition order having been passed by the MCD, they are at liberty to seek their remedies in accordance with law, including, filing an application for regularization of the existing structure.

18. Accordingly, no further orders are required to be passed in the present petitions.

19. The present petitions, along with the pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/ak