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

+ W.P.(C) 11750/2025, CM APPL. 48053/2025, CM APPL. 48054/2025 & CM APPL. 48055/2025

MERCY NAIR & ANR.

.....Petitioners

Through: Mr. Shivam Gaur, Mr. Kshitij Joshi,
Mr. Aryan Kumar, Ms. Rashi Singh
and Ms. Nandita Sharma, Advs.
M: 9717753160

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Harshit Chopra, Adv. for R-1
M: 9911543883
Mr. Raj Kumar Yadav, SPC and Mr.
Ratna V. Saha, Advs. for SHO
M: 9818836222

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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06.08.2025

1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2 to take action against the illegal construction being carried out by respondent no. 3, in and around, the property bearing *Flat No. L-2/202-B, First Floor, DDA Flats Kalkaji, New Delhi-110019*, including, on the roof of the said property.
2. It is submitted that petitioner nos. 1 and 2 are the owners/occupants of the flat bearing *Flat No. L-2/202-A, Ground Floor, DDA Flats Kalkaji, New Delhi-110019*, whereas, respondent no. 3 is the occupant of the first floor.



3. It is submitted that the terrace above the first floor is the common area used by the residents for installation of overhead tanks, etc. Thus, it is submitted that the flats are constructed in a manner that there are two dwelling units in each building, i.e., ground floor and first floor, with common use of the terrace area.
4. Issue notice. Notice is accepted by learned counsels appearing for respondent nos. 1 and 2.
5. Learned counsel appearing for respondent no.1, i.e., Municipal Corporation of Delhi (“MCD”) submits that the unauthorized construction in the property in question, has already been booked on 05th August, 2025 and Show Cause Notice has also been issued.
6. He further submits that Work Stop Notice dated 05th August, 2025, has also been issued and that further requisite action shall be taken in accordance with law.
7. Accordingly, the aforesaid statement made by learned counsel appearing for the MCD is taken on record and the MCD is held by the same.
8. The MCD shall ensure that no further construction takes place in the property in question and action is taken in accordance with law.
9. In case the petitioners are aggrieved by any non-action on part of the respondents, the petitioners shall have liberty to seek their remedies, in accordance with law.
10. Likewise, the right of respondent no. 3 to seek his remedies is also preserved, in case respondent no. 3 has any grievance with regard to any action being taken by the respondent-MCD.
11. The local police of Police Station Kalkaji, is directed to cooperate with the MCD, and provide requisite police force, as and when action is



proposed to be taken by the MCD.

12. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 6, 2025/KR