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

+ W.P.(C) 12088/2025 & CM APPL. 49366/2025

SMT. FATIMA TAYAAB THROUGH HER SON MR. AHMED
FARHAN

.....Petitioner

Through: Appearance not given

versus

MUNICIPAL CORPORATION OF DELHI, THROUGH
COMMISSIONER & ORS.

.....Respondents

Through: Mr. Manish Rohilla, SPC with Mr.
Pradeep K. Yadav, Adv. for R-3
Mr. M.S. Oberoi, SC for MCD
(Through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.10.2025

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1. The present writ petition has been filed seeking direction to respondent nos. 1 to 3, to take action against the illegal and unauthorized construction being carried out by respondent no. 4 on the front portion of the third floor of property bearing *No. 9895, situated at Gali Pardey Wali, Nawab Ganj, Pul Bangesh, Delhi-110006.*

2. A Status Report has been handed over by learned counsel appearing for Municipal Corporation of Delhi ("MCD"), which is taken on record. The relevant portions of the said Status Report, are reproduced as under:

"xxx xxx xxx"



3. That it is submitted that inspection of the property bearing no. 9895, Situated at Gali Pardey Wali, Nawab Ganj, Pul Bangesh,

Delhi-110006 was conducted by the officials of the answering respondent on 07.08.2025. During the inspection some construction activity was noticed accordingly, a work stop notice dated 07.08.2025 was issued to SHO P.S. Bara Hindu Rao so that unauthorized construction in the subject property be checked. A copy of work stop notice dated 07.08.2025 is annexed herewith as **Annexure-A**.

4. That it is respectfully submitted that thereafter on 12.08.2025 unauthorized construction in the shape of ground floor, first floor, second floor and part construction on third floor was noticed as such the same was booked under section 344(1) & 343 of the DMC Act vide file No.114/UC/73/EE(B)-II/CSPZ/2025 dated 12.08.2025. That it is submitted that after following due process of law demolition order dated 30.09.2025 was passed in respect of part construction on the third floor and existing ground floor, first floor and second floor was given protection in view of provisions of "The National Capital Territory of Delhi Laws (Special Provision) Second Act, 2021". A copy of demolition order dated 30.09.2025 is annexed herewith as **Annexure-B**.

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.



3. Perusal of the aforesaid Status Report clearly shows that as far as the property from ground floor to second floor is concerned, the same is protected under the National Capital Territory of Delhi Laws (Special Provision) Second Act, 2011. Further, as regards the construction on the third floor, the same has already been booked on 12th August, 2025 and a Demolition Order thereto has already been passed on 30th September, 2025.

4. Accordingly, the MCD is held bound to take requisite action against the property in question after following the due procedure, in accordance with law.

5. In case, any party is aggrieved by any action or non-action on the part of the MCD, their right to seek remedies in accordance with law is reserved.

6. With the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

OCTOBER 15, 2025/KR