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

+ **W.P.(C) 12180/2025**

RUPALI SHARMA

.....Petitioner

Through: Mr. Nipun Kumar, Ms. Rita, Ms.
Swabhi Dabas, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Vinod Kumar Khanna, Advocate
for R-1 and 2 (M:9891081919)
Mr. Gautam Narayan, Sr. Adv. with
Mr. Ayush Gupta, Advocate for R-5
(M:9818402326)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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10.09.2025

1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2, to restrain respondent no. 5 from continuing with illegal and unauthorized construction on the properties bearing *Plot no. 429, Kucha Brijnath, Chandni Chowk, Delhi-110006* and *Plot no. 507, Ground Floor, Krishna Gali, Katra Neel, Chandni Chowk, Delhi-110006*.

2. When the present matter was listed for hearing on 13th August, 2025, this Court had passed the order, in the following manner:

"1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2 to restrain respondent no. 5 from continuing with the illegal and unauthorized construction being carried out in the property bearing Plot No. 429, Kucha Brijnath, Chandni Chowk, Delhi-110006 and Plot No. 507, Ground Floor, Krishna Gali, Katra Neel, Chandni Chowk, Delhi-110006.

2. Issue notice. Notice is accepted by learned counsel for



respondent-Municipal Corporation of Delhi (“MCD”).

3. Learned Senior Counsel for respondent no. 5, the owner/occupier of the properties in question, submits that the properties which are subject matter of the present writ petition, were also the subject matter of various earlier proceedings before this Court.

4. Learned Senior Counsel has handed over to this Court, copies of various orders pertaining to the same properties. He draws the attention of this Court to the order dated 13th September, 2024 passed by a Division Bench of this Court in W.P.(C)13599/2023, titled as ‘Dr. S. Jaitley and Anr. Versus MCD and Ors.’, wherein, statement of learned counsel for the MCD is recorded that only repair work is being carried out in the property in question. Para 3 of the aforesaid order dated 13th September, 2024, passed by Division Bench-I, is reproduced as under:

“3. Learned counsel for MCD, who appears on advance notice, states on instructions that except minor work in Properties No.428 and 507, no other construction is being carried out. She states that though efforts were made to carry out construction on the fourth floor of the Property No.429, yet the same were stalled by the MCD.”

5. Learned Senior Counsel further relies upon the subsequent order dated 07th November, 2024 passed in the aforesaid petition, i.e., W.P.(C)13599/2023, to submit that the aforesaid matter was disposed of with directions to the petitioner therein to make a representation regarding unauthorized construction to the Special Task Force (“STF”).

6. He further relies upon the order dated 05th November, 2024, passed in W.P.(C) 15394/2024, titled as ‘Rahul Sharma Versus Govt of NCT of Delhi and Ors.’, to submit that the said petition was also with regard to construction in the property in question, which was disposed of with directions to approach the STF.

7. He further draws the attention of this Court to the order dated 20th December, 2024, passed in W.P.(C) 17581/2024, titled as ‘Rahul Sharma Versus Govt of NCT of Delhi and Ors’, to submit that said petition was also filed with respect to the property in question, which was again disposed of with directions to approach the STF.

8. He submits that now a contempt petition being CONT.CAS(C) 440/2025, titled as ‘Rahul Sharma Versus Govt of NCT of Delhi and Ors’, has been filed, which is next listed on 15th October, 2025.



9. By referring to the aforesaid orders, learned Senior Counsel for respondent no. 5 submits that respondent no. 5 has been carrying out repair work and not unauthorized construction.

10. Accordingly, MCD is directed to inspect the property in question forthwith, and file a Status Report with regard to the nature of construction activity being carried out by respondent no. 5.

11. Let Status Report be filed within a period of two weeks, from today.

12. In case during the course of inspection, any unauthorized construction is found by the MCD, the same shall be indicated in the Status Report.

13. Respondent no. 5 is also granted liberty to file an affidavit in support of his submissions.

14. Let the needful be done by the respondent no. 5 within a period of two weeks, from today.

15. Re-notify on 10th September, 2025.”

3. Today, learned counsel for the respondent nos. 1 to 4-Municipal Corporation of Delhi (“MCD”), has handed over a copy of the counter affidavit, filed on behalf of the MCD, which is taken on record.

4. The relevant portions of the counter affidavit filed by the MCD, reads as under:

“xxx xxx xxx

5. That upon inspection of the premises, it was observed that the subject properties constitute old, occupied, and long-standing constructions, with no evidence of any fresh or ongoing construction activity, at the site. No structural alterations or additions indicative of recent or continuing construction were found at the time of inspection.



6. That during the course of inspection, the owners/occupiers of the premises produced and furnished documents to substantiate their claim of the properties being duly protected under the provisions of “The National Capital Territory of Delhi Laws (Special Provisions) Act” 2023, and subsequent enactments/amendments thereof. The documents so produced included, inter alia, registered Sale Deeds, House Tax Survey Reports, notice under section 126 of the DMC Act and assessment order maintained by the local authorities, which prima facie supports the claim of protection.

7. That further, the inspection team also noticed that a pathway/rasta exists, which extends from property bearing No. 507, Krishna Gali, Katra Neel, and leads towards/passes through property bearing No. 429, Kucha Brij Nath, Chandni Chowk, Delhi. The same was duly recorded during the inspection proceedings.



8. That it is respectfully submitted that the answering Respondent has acted strictly in compliance with the directions issued by this Hon'ble Court and has faithfully placed on record the factual position as noticed on the spot,

without entering into any adjudication upon disputed questions of title, ownership, or inter se rights of the parties, which do not fall within the statutory domain of the Municipal Corporation, at this stage.

xxx xxx xxx”

5. In view of the said counter affidavit filed by the MCD, no further



directions are required to be passed by this Court.

6. Noting the aforesaid, the present writ petition is accordingly, disposed of.

MINI PUSHKARNA, J

SEPTEMBER 10, 2025/au