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

+ W.P.(C) 12294/2025

KUSUM

.....Petitioner

Through: Ms. Parul Agarwal, Adv. (Through
VC)

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Gaganmeet Singh Sachdeva, SC
with Mr. Harshpreet Singh Chadha,
Advocate for R-MCD
Mr. Atul Sharma, Adv. for R-4
(Through VC)
Mr. Arjun Mahajan, SC with Mr.
Apoorv Upmanyu and Mr. Harsh
Vashist, Advocates for R-STF
Mob: 9810047321

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

24.09.2025

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1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2 to take action against the unauthorized construction existing in the property bearing No. A-46, Rani Garden Extension, Shastri Nagar, Geeta Colony, Delhi-110031, area measuring 60 square yards approximately, as raised by respondent no. 3.
2. A Status Report dated 01st September, 2025 has been filed on behalf



of the Municipal Corporation of Delhi (“MCD”), relevant portions of which, read as under:

“xxx xxx xxx

2. That, it is submitted that property bearing No. A – 46 Rani Garden, Geeta Colony, Delhi was booked vide unauthorized construction file No. 116 / B/UC/SS/25 dated 08.08.2025 for raising unauthorized construction in the shape of GF, FF, SF, TF, FF & Vth Floor (Part) and the property is occupied . Accordingly, a Show Cause Notice u/s 344 (1) & 343 of DMC Act, 1957 was issued on 08.08.2025 against the property A – 46, Rani Garden, Geeta Colony, Delhi and duly served upon to Sh. Umesh Rana (GF &FF), Manju (SF), Sh. Mehtab (TF) & Sh. Shahnaz (IV & Vth Floor) wherein it has been directed to submit the reply within 15 days and the department also granted personal hearing for 26.08.2025. On the scheduled date and time, Sh. Umesh Prasad Rana (the present defendant No. 3), Smt. Anju Devi, Smt. Shahnaz (the present defendant No. 4) & Smt. Mehtab Hashmi attended the hearing. During the course of hearing, certain documents have been submitted which was taken on record. Since, the owner of Second Floor failed to appear the hearing, the department in the interest of natural justice granted another opportunity of personal hearing for 09.09.2025 to owner of second floor i.e. Smt. Manju. The same shall be decided in accordance with law.



3. That, it is further to submit that the department also booked the property of petitioner which is being constructed without any valid permission of the department, hence the property bearing

No. C – 26, Rani Garden Extension, Geeta Colony, Delhi – 110031 under unauthorized construction vide file No. 115/B/UC/SS/2025 dated 25.08.2025 for raising unauthorized construction in the shape of Ground Floor and First Floor with projection on government/public land. Accordingly, the department issued a Show Cause Notice dated 25.08.2025 u/s 344 (1) & 343 of the Act, 1957 and same was duly served upon to Smt. Kusum with certain directions contained in the Show Cause Notice including hearing on 21.08.2025. Smt. Kusum, the present petitioner attended the hearing and desired to submit certain documents which were taken on record for deciding the case in accordance with law. After following due process of law, the department passed demolition order u/s 343 of the Act against the property bearing No. C – 26, Rani Garden Extension, Geeta Colony, Delhi – 110031.

4. That, it is submitted that further course of action shall be taken in due course of time.

3. Perusal of the aforesaid Status Report shows that the MCD has already initiated the requisite action. Further, the property of the petitioner has also been booked and Demolition Order has been passed against the property of the petitioner, i.e., property bearing No. C-26, Rani Garden Extension, Geeta Colony, Delhi-110031.

4. Accordingly, the MCD is directed to take action against the aforesaid



properties in question, in accordance with law.

5. In case, any of the parties are aggrieved by any action or non-action on part of the MCD, they shall have the liberty to seek their remedies, in accordance with law.

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

MINI PUSHKARNA, J

SEPTEMBER 24, 2025/SK