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

+ **W.P.(C) 13133/2025 & CM APPL. 53798/2025**

SH NANHE KHAN

.....Petitioner

Through: **Mr. Anurag Singh, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

.....Respondents

Through: **Mr. Pritish Sabharwal, Adv. with Ms. Shweta Singh, Mr. Adarsh Kamal Lohia, Mr. Sanjeet Kumar and Mr. Shiv Chopra, Adv. for MCD**
Mr. Sanjeev Sabharwal, SPC for R-2 & 3
Mr. Tushar Sannu and Mr. Vishal Ji, Adv. for GNCTD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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28.08.2025

1. The present writ petition has been filed seeking directions to the respondent nos. 1 to 3, to initiate appropriate action with respect to the unauthorized and illegal construction, being carried out by respondent no. 4 at *Plot No. 820, land measuring 150 sq. yds., situated at Jaitpur Extension, Part-II, portion of Khasra No. 927 of Revenue Village of Jaitpur, New Delhi-110044.*
2. Responding to the present writ petition, learned counsel appearing for respondent no.1, i.e., Municipal Corporation of Delhi ("MCD"), submits that a Show Cause Notice with respect to the unauthorized construction in the property in question, has already been issued on 27th August, 2025. She



further submits that requisite action shall be carried out after following the due procedure, in accordance with law.

3. She further draws the attention of this Court to *Annexure A-14*, attached with the present petition, which is a judgment dated 01st August, 2025, passed by the District Judge-03, South-East District, Saket Courts, New Delhi, in suit being *CS DJ No. 7477/16*, titled as “*Nanhe Khan Versus Saleem and Ors.*”.

4. Learned counsel appearing for the respondent no. 1-MCD submits that the petitioner herein had earlier filed a suit for declaration and injunction *qua* the property in question. She submits that the petitioner has not been able to establish his title or right over the property in question, and by way of the aforesaid judgment dated 01st August, 2025, the suit of the petitioner has been dismissed. She, thus, submits that the present writ petition is in the nature of a private dispute between the parties.

5. Having heard learned counsels for the parties, this Court takes note of the fact that Show Cause Notice dated 27th August, 2025 against the unauthorized construction in question, has already been issued by the MCD.

6. This Court is in agreement with the submissions made by learned counsel appearing for the respondent no. 1-MCD, that once the suit of the petitioner here has been dismissed by the Trial Court, the petitioner cannot seek to adjudicate his private disputes by way of filing the present writ petition.

7. However, considering the fact that the MCD has already booked the property with respect to unauthorized construction, it is directed that requisite action against the unauthorized construction shall be carried out by the MCD after following the due procedure, in accordance with law.



8. In case of any on-going unauthorized construction, the same shall be stopped forthwith.
9. Noting the aforesaid, the present writ petition, along with the pending application, stands disposed of.

AUGUST 28, 2025/KR

MINI PUSHKARNA, J