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

+ W.P.(C) 13105/2024 & CM APPL. 54769/2024

MOHAMMAD FAUZAN FAZL AND ORS.Petitioners

Through: Mr. Zeeshan Ahmed, Advocate
(through VC)

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advocates for
respondent MCD (through VC)
Mr. Ankur Bansal, Mr. Sadre Alam
and Mr. Mohd. Raziq, Advocates for
R-3 and 4.
Mob: 9810149141

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
27.03.2025

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1. The present writ petition has been filed with the prayer for directions to the Municipal Corporation of Delhi ("MCD") to take action against the unauthorized construction in property bearing no. 2870-2871, *situated at Kucha Chelan, Darya Ganj, New Delhi-110002*, property, admeasuring 179 sq. yards.
2. This Court notes the MCD has filed its counter affidavit, wherein, it is stated as follows:

"xxx xxx xxx

6. That it is respectfully submitted that the property bearing no. 2870-2871, Kucha Chelan, Darya Ganj, New Delhi-110002 was inspected



on 04.09.2024 and during inspection it was noticed that the property is comprising ground floor, first floor, second floor, third floor and fourth floor. The ground floor is old and occupied. During inspection unauthorized construction in the shape of first floor, second floor, third floor and fourth floor was noticed and as such the same was booked vide file no.189/UC/75/B-II/CSPZ/2024 dated 04.09.2024 under section 343 & 344(1) of the DMC Act and after following the due process of law demolition order dated 19.09.2024 was passed thereby directing owner/builder to demolish the aforesaid unauthorized construction within 06 days failing which the same shall be demolished at the risk and cost of the Mr. Kamal Ahmed/owner/builder. A copy of demolition order dated 19.09.2024 is annexed herewith as **Annexure-A**.

7. That it is respectfully submitted that a work stop notice dated 23.09.2024 was also issued to the SHO P.S. Jama Masjid to ensure that no further construction is carried out in the property in question. A copy of work stop notice dated 23.09.2024 is annexed herewith as **Annexure-B**.

8. That it is respectfully submitted that apart from the above sealing show cause notice dated 04.09.2024 under section 345-A of the DMC was also issued against the aforesaid unauthorized construction and after following the due process of law sealing order dated 23.09.2024 was passed. In execution of sealing order dated 23.09.2024 action was planned for 03.10.2024 wherein staircase at first floor, leading to the upper floors was sealed at one point. Copy of sealing order dated 23.09.2024 and photographs showing sealing action taken on 03.10.2024 are annexed herewith as **Annexure-C & D(Colly)** respectively. A watch and ward letter dated 03.10.2024 has been issued to the SHO P.S. Darya Ganj. A copy of watch and ward letter dated 03.10.2024 is annexed herewith as **Annexure-E**.

9. That it is respectfully submitted that as per record, earlier a WPC No. 13567/2024 titled Naved Ahmed Vs. MCD & Anr. regarding unauthorized construction in the property in question was filed which was listed on 26.09.2024 before this Hon'ble Court. The said writ petition was disposed of vide orders dated 26.09.2024 in view of the submissions of answering respondent that the property in question has been already inspected and sealing & demolition orders dated 04.09.2024 & 19.09.2024 respectively against the Unauthorized construction have already been passed. The petitioner filed application regarding correction of typographical error in paragraph 1 of the order dated 06.09.2024 which was allowed vide order dated 09.10.2024. A copy of order dated 26.09.2024 & 09.10.2024 are annexed herewith as **Annexure-F**.



*10. That it is respectfully submitted that apart from the above, letter dated 18.10.2024 has also been issued to the authorities concerned for disconnection of electricity and water supply in the property in question. Copy of said letter dated 18.10.2024 is annexed herewith a **Annexure-G.***

xxx xxx xx”

3. A perusal of the aforesaid shows that the property in question is lying sealed, since 01st October, 2024.
4. Further, a watch and ward letter dated 3rd October, 2024, has also been issued to the SHO, Police Station Darya Ganj.
5. This Court also notes that *vide* letter dated 18th October, 2024, letter has also been written for disconnection of electricity and water supply in the property in question.
6. Accordingly, it is directed that the MCD, as well as the SHO of Police Station Darya Ganj, shall ensure that no further unauthorised construction takes place in the property in question.
7. The MCD shall also ensure that the action taken by the MCD is brought to its logical conclusion, and the unauthorized construction existing in the property shall be demolished, in accordance with law.
8. It is expected that the requisite action shall be taken by the MCD expeditiously, preferably, within a period of six months, from today.
9. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 27, 2025/ak