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

+ **W.P.(C) 13909/2025 & CM APPL. 56963/2025**

ANIL KUMAR

.....Petitioner

Through: Mr. Mridul Jindal adn Mr. Piyush
Tandon, Advs.

versus

MCD & ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Adv. for MCD
Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advs.for BSES YPL
Mr. Sahil Munjal, SPC with Ms. Rhea
Gandhi and Ms. Nancy, Advs. for R-2

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.09.2025

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1. The present writ petition has been filed seeking directions to respondent nos. 1 to 5, to take appropriate legal action to further demolish the illegal and unauthorized construction raised by the respondent nos. 6 to 7 over the property located at *B-140, New Ashok Nagar, Church Gali, Delhi-110096*, within a stipulated time period.
2. There is further prayer for restraining the respondent nos. 1 to 5 from permitting the respondent nos. 6 and 7 to carry any further illegal and unauthorized construction over the property in question, and to put the illegal and unauthorized construction, to use.
3. It is submitted that being aggrieved by the illegal/unauthorized



construction raised by the respondent no. 6, the petitioner filed a Civil Suit for permanent injunction and mandatory injunction before the Civil Judge, East District, Karkardooma Courts, Delhi, on 16th November, 2023, bearing *Civil Suit 888/2023*, titled as “*Anil Kumar Versus. Shambhu Nath Mishra and Ors.*” which is annexed as *Annexure-A*.

4. It is submitted that on 26th March, 2025, the Civil Court disposed of the Civil Suit bearing *No. 888/2023*, in the following manner:

ANNEXURE A

Civ suit 888/23
ANIL KUMAR Vs. SHAMBHU NATH MISHRA

26.03.2025

Present: Sh. Vikas Kumar Singh, Ld. Counsel for plaintiff
alongwith plaintiff.
Sh. Kali Charan, Ld. Counsel for defendant no. 1.
Ms. Komal, Ld. Counsel for applicant alongwith
applicant.
Sh. Vijay Tyagi, Ld. Counsel for MCD.
Application u/o VII Rule 11 CPC has been filed on
behalf of defendant no. 1. Copy supplied to other side.
Reply (if any) be filed with advance copy to other
side.

Status report has been filed by MCD as per which the
top floor and the fourth floor of the suit property bearing no.
B-140, out of Khassra no. 393/264, situated in the Abadi of Block
B, New Ashok Nagar in the area of Chilla Saronda Bangar, Ilaka
Shahdara, Delhi-96 has been demolished and made inhabitable.

Ld. Counsels for defendant no. 1 and 3 have
submitted that since the suit was seeking a permanent and
mandatory injunction for demolition of the top floor (fifth floor) of
the suit property and the same has been done, the reliefs sought in
the suit have become infructuous.

Ld. Counsel for defendant no. 3 has further submitted
that in the inspection carried on, the entire building/super structure
on the concerned plot of land has been found illegal and
unauthorized. He has further informed that the demolition exercise

Cont..

ATTESTED
27 MAY 2025
Examiner

AYUSH SHARMA
JUDGE
11/03/25
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for the same has also been scheduled.

I have heard the submissions and perused the record. Since the reliefs sought in the suit pertain to stoppage/ demolition of illegal construction on the top floor (fifth floor) and the same has been done, the reliefs in the suit stand satisfied. Accordingly, the suit stands disposed of.

MCD is at liberty to take further action against the building as per law. All pending applications also stand disposed of.

File be consigned to record room after due compliance.

Digitally signed
by AYUSH
SHARMA
Date: 2025.03.26
14:08:27 +0530

(AYUSH SHARMA)
CIVIL JUDGE/EAST
KKD COURTS/26.03.2025

5. It is submitted that as the respondent no. 1 was not taking any further action, the petitioner sent a written complaint dated 18th June, 2025, to the respondent nos. 1, 2, 4 and 5, which is annexed as *Annexure-L*.

6. It is submitted that the petitioner is challenging the inaction of the respondent nos. 1, 2, 4 and 5 over the said complaint dated 18th June, 2025, made to them, and for not taking any further action against the unauthorized construction in the property in question, which has been carried out without any sanction plan, as submitted by respondent no. 1 herein on 26th March, 2025, before the Civil Judge in *Civil Suit No. 888/2023*.

7. Responding to the present writ petition, learned counsel appearing for respondent no.1, i.e., Municipal Corporation of Delhi ("MCD") submits that extensive action has already been taken by the MCD on the fifth floor of the property in question on various dates viz. 30th August, 2024, 23rd September,



2024, 03rd October, 2024 and 06th November, 2024.

8. Learned counsel appearing for the MCD further submits that partial action was taken on the fourth floor of the property in question on 30th December, 2024. He further submits that a Vacation Notice dated 04th September, 2025, has been issued and further action against the unauthorized construction existing in the property in question is now fixed for 15th September, 2025, and 17th September, 2025.

9. Learned counsel appearing for the MCD also draws the attention of this Court to the various Status Reports, which were filed before the Trial Court, to submit that regular and consistent action has been taken by the MCD against the unauthorized construction in the property in question.

10. Considering the aforesaid, this Court is satisfied that requisite action is being taken by the MCD.

11. MCD is bound to take full action against the existing unauthorized construction in the property in question.

12. The Station House Officer (“SHO”), Police Station New Ashok Nagar, is directed to fully cooperate with the MCD, and provide requisite police assistance at the time when action is sought to be taken by the MCD against the unauthorized construction existing in the property in question.

13. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to approach the Special Task Force (“STF”) as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of ***Devender Versus Govt. of NCT of Delhi and Ors.***, in ***W.P.(C) 1807/2018*** and other connected matters ***Fazruddin Versus DDA and Ors.*** in ***W.P.(C) 4649/2017***.

14. As regards the prayer (iii) of the present writ petition, with regard to



compensation, the petitioner is at liberty to file a representation with the MCD, which shall be considered.

15. Noting the aforesaid, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 10, 2025/KR