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

+ W.P.(C) 14211/2025 & CM APPL. 58357/2025

JAGANNATH ARORA

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Mr. Arjun Mahajan, SC for DDA
with Mr. Apoorv and Mr. Harsh
Vashist, Advocates for DDA/STF
Mob: 9810047321
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Ms. Sonia Mendiratta and Mr. Javad
Khan, Advocates for property owners
Mob: 9818339394
Ms. Shivangi Kumar, Advocate for
MCD
Mob: 8595244623

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

14.10.2025

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1. The present writ petition has been filed seeking directions to the respondents to demolish the illegal construction, being carried out at *Khirki Extension, Malviya Nagar*, at three properties being:-

- (i) *Opposite 90/40, Malviya Nagar, New Delhi-110017;*
- (ii) *Opposite 90/42, Malviya Nagar, New Delhi-110017;*
- (iii) *Opposite 90/12, Malviya Nagar, New Delhi-110017.*

2. Status Report has been handed over by learned counsel appearing for



the Municipal Corporation of Delhi (“MCD”), which is taken on record. The relevant portions of the Status Report, filed on behalf of the MCD, are extracted as follows:

“xxx xxx xxx

6. That so as to ascertain the status of the subject mentioned properties, the same have been got inspected through area field staff of Building Department –I of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and comparing the site position with the photographs attached in the said Writ Petition, the property wise details of action initiated / taken by the department are as follows:

A. Property Opposite 90/40, Malviya Nagar, New Delhi.

- i) As per record, this property has been identified by the department as property bearing No. T – 23, Khirki Extension, New Delhi which is already stands booked vide U/c file No. 26/UC/B-I/SZ/2023 dated 23/02/2023 in the shape of Basement, Ground floor and First floor, vide U/c File No. 35/UC/B-I/SZ/2023 dated 21/03/2023 in the shape of Second floor, Third floor and Fourth floor and also further booked vide file



No. 78/UC/B-I/SZ/2023 dated 18/05/2023 in the shape of Fifth floor (in continuation of earlier booking No. 35/UC/B-I/SZ/2023 dated 21/03/2023), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law the necessary demolition orders have also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide dated 06/03/2023, 03/04/2023 and 29/05/2023 respectively. Copy of demolition orders are annexed herewith as **Annexure – A (Colly).**

- ii) Furthermore, letters dated 06/03/2023, 06/04/2023 and 30/05/2023 u/s 344 (2) of the DMC Act – 1957 have also been sent to SHO, PS. Malviya Nagar, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letters as sent in this regard are also annexed as **Annexure – B (Colly).**
- iii) Besides this, letters for disconnection of Electricity and Water supply from the aforesaid property have also sent to the concerned authorities vide dated 06/03/2023, 06/04/2023 and 30/05/2023. Copy of the said



letters are annexed herewith as Annexure – C (Colly).

iv) Moreover, letters dated 06/03/2023, 06/04/2023 and 30/05/2023 have also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letters are also annexed herewith as Annexure – D (Colly).

v) Apart from this, Prosecution action u/s 466-A of DMC Act, 1957 have also been initiated against the owner / builder of the subject property and complaints dated 19/04/2023 and 20/04/2023 have also been sent to concerned, SHO PS Malviya Nagar, New Delhi. Copy of the said complaints are also annexed herewith as Annexure – E (Colly).

vi) Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and after following due process of law, the necessary sealing orders have also been passed by the Competent Authority i.e. the then Dy. Commissioner of South Zone / MCD vide dated 01/05/2023, 04/05/2023 and 15/07/2023 respectively. Copy of sealing orders as passed are also annexed herewith as Annexure – F (Colly).



vii) Pursuant to demolition / sealing orders already passed in respect of this property, the Building Department-II of South Zone / MCD, the updated actions as tried / taken / carried out are detailed herein below:-

S.No.	Date of Action	Action taken
1.	15/03/2023	Upon availability of police force, 03 RCC panels at Ground floor roof slab, 03 RCC panels at First floor roof slab and 02 RCC Panels at Second floor roof slab have been demolished and cut down the reinforcement bars.
2.	15/04/2023	Upon availability of police 04 RCC panels at Second floor roof slab and 02 RCC panels at Third floor roof slab have been demolished and cut down the reinforcement bars.
3.	25/04/2023 & 18/05/2023	Action could not be taken due to shortage



		of time.
4.	24/05/2023	Upon availability of police force, 06 RCC panels at roof slab of Fourth floor and 04 RCC panels at roof slab of Third floor have been demolished and reinforcement bars cut down. Simultaneously, property has been sealed at Ground floor staircase.
5.	01/06/2023	Action could not be taken due to shortage of time.
6.	22/06/2023 & 30/06/2023	Action could not be taken due to non availability of police force.
7.	12/07/2023	Upon availability of police force, 05 RCC panel at roof slab of Fifth floor have been demolished & cut down.



8.	08/08/2023	Action could not be taken due to non availability of police force.
9.	14/08/2023 & 31/08/2023	Action could not be taken due to shortage of time.
10.	12/09/2023 & 20/09/2023	Action could not be taken due to non availability of police force.
11.	29/09/2023, 04/10/2023, 06/10/2023	Action could not be taken due to shortage of time.
12.	18/10/2023	Action could not be taken due to non availability of police force.
13.	19/10/2023 and 26/10/2023	Action could not be taken due to shortage of time.

The photographs taken during the aforementioned demolition / sealing action alongwith copy of no force letters are also annexed herewith as **Annexure – G (Colly)**.

viii) After taking the aforementioned demolition / sealing action, letters dated 20/03/2023,



10/04/2023, 25/05/2023, 21/07/2023 have also been sent to concerned SHO, PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict vigil at the property so that the demolished portion may not be re-stored / re-constructed / repaired and the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure – H (Colly)**.

- ix) However, on dated 10/10/2025, the area field staff of Building Department –I of South Zone – MCD has noticed the seal tampering. Taking note of the same, the necessary proceedings for lodging of an FIR has been initiated / processed against the violators / offenders.

B. Property Opposite 90/42, Malviya Nagar, New Delhi.

- i. As per record, this property has been identified by the department as property bearing H.No. T-23/1, Khirki Extension, New Delhi which is already booked for unauthorized construction vide U/c file No. 188/UC/B-II/SZ/2022 dated 30/05/2022 in the shape of Ground floor and First floor and also further booked vide file No. 231/UC/B-II/SZ/2022 dated 25/07/2022 in the shape of Second floor (in continuation of earlier booking No. 188/UC/B-II/SZ/2022 dated



30/05/2022), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law the necessary demolition orders have also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide dated 03/08/2022 and 08/06/2022 respectively. Copy of demolition orders are annexed herewith as **Annexure – I (Colly)**.

ii. Furthermore, letters dated 14/06/2022 and 05/08/2022 u/s 344 (2) of the DMC Act – 1957 have also been sent to SIIO, PS. Malviya Nagar, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letters as sent in this regard are also annexed as **Annexure – J (Colly)**.

iii. Besides this, letters for disconnection of Electricity and Water supply from the aforesaid property have also been sent to the concerned authorities vide dated 14/06/2022 and 05/08/2022. Copy of the said letters are annexed herewith as **Annexure – K (Colly)**.

iv. Moreover, letters dated 14/06/2022 and 05/08/2022 have also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act,



1908. Copy of the said letters are also annexed herewith as **Annexure – L (Colly)**.
- v. Apart from this, Prosecution action u/s 466-A of DMC Act – 1957 have also been initiated and the complaints dated 20/06/2022 and 15/09/2022 have also been sent to SHO concerned, PS Malviya Nagar, New Delhi. Copy of the said complaint are also annexed herewith as **Annexure – M (Colly)**.
- vi. Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, have also been initiated and after following due process of law, the necessary sealing orders have also passed by the Competent Authority i.e. the then Dy. Commissioner of South Zone / MCD vide dated 09/09/2022 and 13/09/2022. Copy of sealing orders as passed are also annexed herewith as **Annexure – N (Colly)**.
- vii. Pursuant to demolition / sealing orders already passed in respect of this property, the Building Department-II of South Zone ;/ MCD, the updated actions as tried / taken / carried out are detailed herein below:-

S.No.	Date of Action	Action taken
1.	24/06/2022 and 15/07/2022	Action could not be taken due to shortage



		of time.
2.	03/08/2022	Action could not be taken due to non availability of police force.
3.	08/08/2022	Action could not be taken due to shortage of time.
4.	16/08/2022	Upon availability of police force, 04 RCC panels at Second floor roof slab have been demolished and cut down.
5.	30/09/2022	Action could not be taken due to non availability of police force.
6.	10/10/2022	Upon availability of police force, 04 RCC panels at Second floor roof slab have been demolished and cut the reinforcement bars. Simultaneously, property has been sealed at the entry of



		staircase at Ground floor.
7.	17/11/2022	During the course of action, the earlier seals affixed by the department were found tampered with. However, the same has been re-sealed at entry of staircase at Ground floor.
8.	01/12/2022	On the instance of tampering of seals affixed by the department, a necessary complaint dated 01/12/2022 has been sent to DCP South District, Hauz Khas, New Delhi for lodging of an FIR against the violators / offenders.
9.	09/12/2022 & 13/01/2023	Action could not be taken due to non availability of police force.
10.	23/02/2023, 02/03/2023 &	Action could not be taken due to non



	20/03/2023	availability of police force.
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The photographs taken during the aforementioned demolition / sealing action alongwith copy of complaint and no force letters are also annexed herewith as **Annexure – O (Colly).**

- x) After taking the aforementioned demolition / sealing action, a letter 11/10/2022 has also been sent to concerned SHO, PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict vigil at the property so that the demolished portion may not be re-stored / re-constructed / repaired and the seals affixed by the department may not be tampered with. Copy of the letter as sent in this regard is also annexed herewith as **Annexure – P.**
- xi) However, on dated 10/10/2025, the area field staff of Building Department –I of South Zone – MCD has noticed the seal tampering. Taking note of the same, the necessary proceedings for lodging of an FIR has been initiated / processed against the violators / offenders.
- xii) Further on noticing the extent of unauthorized construction in the shape of Third floor and Fourth floor in respect of this property, the same has been booked by the



department vide U/c File No. 204/UC/B-
I/SZ/2025 dated 10/10/2025 (in continuation
of previous Booking No. 231/UC/B-
I/SZ/2022 dated 25/07/2022) (Third floor &
Fourth floor is existing & residentially
occupied), for taking the necessary
demolition action u/s 343/344 of DMC Act -
1957. The mandatory Show Cause Notice
serial No. 21990 dated 10/10/2025 has also
been issued to the owner / occupier of this
property. Copy of the said Show Cause
Notice is also annexed herewith as
Annexure - Q.

C. Property Opposite 90/12, Malviya Nagar, New
Delhi.

- i. As per record, this property has been
identified by the department as property
bearing No. I-23A-9A, Khirki Extension,
New Delhi which is booked for unauthorized
construction vide U/c File No. 193/UC/B-
II/SZ/2025 dated 11/09/2025 in the shape of
Silt, Ground floor, First floor, Second floor,
Third floor and Fourth floor (Silt floor to
Fourth floor is existing & occupied), for
taking the necessary demolition action u/s
343/344 of DMC Act. The mandatory Show
Cause Notice vide serial No. 21896 dated
11/09/2025 has also been issued to the owner
/ occupier of this property. Copy of Show



Cause Notice is annexed herewith as

Annexure –R.

- ii. Further, in response to the aforesaid Show Cause Notice, a jointly reply has been received with the department vide dated 01/10/2025 from owners / occupiers of the respective floors / - flats namely Sh. Himanshu Sahoo, Ms. Sushma, Sh. Ravinder Raina, Sh. Gaurav Pawar, Sh. Tarun Chauhan, Ms. Swarnlata Rout and S. Amulu Rao Dora with certain submissions and contentions in his favour. On examining and considering the same, in the interest of justice, an opportunity of personal hearing has been extended to Sh. Himanshu Sahoo, Ms. Sushma, Sh. Ravinder Raina, Sh. Gaurav Pawar, Sh. Tarun Chauhan, Ms. Swarnlata Rout and S. Amulu Rao Dora for 17/10/2025. The copy of reply as received and copy of the hearing letter sent in this regard are annexed herewith as **Annexure – S (Colly).**
- iii. Further, action in respect of this property will be taken / carried out after concluding the hearing proceedings, as per law.

4. That so as to take further necessary demolition / sealing action in respect of 02 properties as mentioned as A. and B. herein above, the department has now fixed the further action



programme for 14/10/2025 which will be taken /
carried out upon availability of police force.

3. Perusal of the aforesaid Status Report shows that requisite action against the unauthorized construction existing in the properties in question, has already been initiated by the MCD. Further, action programme against one of the properties is also fixed.
4. Learned counsel appearing for respondent-MCD submits that further requisite action shall also be taken against the properties in question.
5. The MCD is held bound by the aforesaid statement and is directed to take further action against the unauthorized construction existing in the properties in question.
6. In case, any party is aggrieved by any action or non-action on the part of the MCD, their right to seek remedies, in accordance with law is left open.
7. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 14, 2025/SK