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

+ **W.P.(C) 14238/2025 & CM APPL. 58399/2025**

BALBEER SINGH

.....Petitioner

Through: Mr. Hirday Viridi and Mr. Raj
Sudhakar Yadav, Advs.

Mob: 8375839726

Email: hridayviridi@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Kapil Dutta and Mr. Siddharth
Parashar, Advs. for R-MCD

Mob: 9811135509

Email: kapilduttamcd@gmail.com

Mr. Kameshwar Nath Mishra, Sr.
Panel Counsel with Ms. Manisha, Mr.
Shubhashish Roy and Ms. Vidya
Mishra, Advs. for R-2/UOI (Through
VC)

Mob: 9871288082

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.09.2025

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1. The present writ petition has been filed seeking directions to the respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD"), to take action against the illegal and unauthorized construction existing in the property situated at *S-18 to 16, Village Joga Bai, Okhla, New Delhi-110025*.

2. *Per contra*, responding to the present writ petition, learned counsel appearing for respondent no. 1-MCD has drawn the attention of this Court to the order dated 11th August, 2023, passed in *W.P.(C) 4516/2019*, titled as



“Balbeer Singh Versus South Delhi Municipal Corporation and Ors.” He submits that earlier also the petitioner had filed a writ petition pertaining to the same property, which was disposed of *vide* the aforesaid order dated 11th August, 2023.

3. He has further handed over copy of a table to show that requisite action has been taken against the property in question and that the property is lying sealed.

4. Learned counsel appearing for the respondent no. 1-MCD further draws the attention of this Court to the complaint dated 08th April, 2025, submitted by the petitioner to the MCD, wherein, it is stated as follows:

“xxx xxx xxx

2. I am the owner of the aforesaid property. Recently, Mr. Saud in connivance with the local goons and builders have been carrying out illegal construction on my property. Within a short span of time, they have raised a Six (6) storey building which has no layout plan, sanction or approval from the competent authority(s).

xxx xxx xxx”

5. By reference to the aforesaid, learned counsel appearing for the MCD submits that though it is the case of the petitioner that he is the owner of the property in question, no documents with regard thereto, have been filed. He further submits that the action against the property is being taken since the year 2023.

6. He further draws the attention of this Court to the latest photographs of the property in question.

7. Having hearing learned counsels appearing for the parties, this Court notes that in the first round of litigation, *vide* order dated 11th August, 2023 in *W.P.(C) 4516/2019*, this Court had passed directions against the unauthorized construction existing in the property in question, in the



following manner:

- “1. The petitioner has filed this writ petition aggrieved by alleged illegal construction at property No. S-18 to 16, Village Joga Bai, Okhla, New Delhi-110025.*
- 2. The Municipal Corporation of Delhi [“MCD”] has filed three status reports in response to the writ petition, the last of which is dated 10.08.2023. A copy of the status report has been handed over in Court and is taken on record. The status report records that the planned action against the property could not be taken on 28.03.2023 due to non-availability of police force. However, on 07.08.2023, four flats on the fourth floor of the subject property have been sealed. On 08.08.2023 a vacation notice had been issued in respect of the entire property, which was found to be partially occupied. The concerned Station House Officer has also been requested, on 08.08.2023, to keep a strict vigil on the property. The property remains sealed.*
- 3. Ms. Shilpa Dewan, learned counsel for the MCD, states that MCD will take further action in accordance with law expeditiously, and in any event, within a period of three months from today, subject to availability of police force.*
- 4. Having regard to the aforesaid submissions, no further orders are required in this writ petition, which stands disposed of.*
- 5. It is made clear that this order is passed without prejudice to the rights and contentions of respondent No. 3, or any other occupant/owner of the subject property. The rights and remedies of the owners/occupants of the subject property are expressly reserved. MCD is directed to act strictly in accordance with law, and in compliance with all statutory requirements.*
- 6. In the event the petitioner has any further grievance in respect of unauthorised construction, he may approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. These directions have been made having regard to the decision of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018 and connected matters], followed by another decision of the Division Bench in Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245/2019], by a recent decision of the Division Bench in Himanshu vs. East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and by a decision of the learned Single Bench in Abdul Gaffar vs South Delhi Municipal Corporation & Ors. [order dated 28.02.2019 in W.P.(C) 1773/2019].”*



8. This Court takes note of the Right to Information (“RTI”) reply of MCD filed as *Annexure A-4* with the present writ petition, which reads as under:

**MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (BUILDING)-
CENTRAL ZONE: LAJPAT NAGAR-II, SHIV MANDIR MARG,
NEW DELHI-110024**

No. 237/EE(B)-I/RTI/Cent. Zone/ID-80542/2025

Dated : 20/05/25

Sub: Reply of Online RTI application bearing Ref. No. MCODEH/R/2025/80542 dated 11-4-2025, filed by Shri Balbeer Singh, having address-244A, Ashoka Enclave Main, Aman Nagar, Faridabad, Haryana-121003

Subject noted RTI application is filed under the provisions of RTI Act-2005, and applicant through subject noted RTI application has requested to provide information in respect of P.No.S-18 to 16, Village Joga Bai, Okhla, New Delhi.

In this regard, point wise information of subject noted RTI applications, based on the available record is as under:

Point No.	Information of the Building Department, Central Zone
1.	As per record, no building plan is found sanctioned by this office in respect of P.No.S-18 to 16, Village Joga Bai, Okhla, New Delhi
2.	Information being sought through this point relates to the PIO of Town Planning Department, MCD.



	Hence, subject noted RTI application is being transferred to him for further appropriate action.
3.	As per record, action under section 343 & 344 of the DMC Act is found initiated by this office against unauthorized construction in respect of property bearing No.S-18 to 16 in front of S-18/13, Jogabai Extn., New Delhi on 31-1-2022, 17-5-2022, and on 30-12-2022, followed by demolition actions carried out by this office on 6-9-2022, sealing action was carried out on 12-1-2023, demolition and sealing action on 9-5-2023, and finally entire property was sealed by this office on 6-5-2024.
	Copy of requisite documents can be provided only to the owner of the property on submission of proof of ownership in this regard as per provisions of RTI Act-2005.

9. Perusal of the aforesaid reply issued on behalf of the MCD clearly shows that even in the reply under the RTI Act, 2005, the MCD has categorically detailed the action taken against the property in question, and has further stated that the property in question was sealed.

10. This Court further takes note of the table, which has been handed over by learned counsel appearing for the MCD, and the same is reproduced as under:



06.09.2022	36/2012 & 385/22	S-18 to 16, in front of S-18/13, Jogahai Extn.	100	During the course of action, 03 No. RCC panel demolish at ground floor. Reinforcement cut with gas cutter & one panel demolish at second floor reinforcement cut with gas cutter.	on file				
12.01.2023		S-18 to 16 in front of S-17/10, Jogahai Extn, Bada House	189	During the course of action, entire run Flat (02 points) has been sealed. at first floor and one Flat (01) point at second floor has been sealed (Total point 03, Nos.) with help of police force of PS-Jamia Nagar.	Sealed				
09.05.2023		S-18 to 16, in front of S-17/10, Jogahai	189	During the course of action, 17 RCC panels were demolished 02, at roof of GF, 02, at FF, 02, at SF 03, at TF 03, at 4th floor & 05, at 6th floor and reinforcement was cut down with the help of gas cutter making all floor uninhabitable.	on file				
09.05.2023		S-18 to 16, in front of S-17/10, Jogahai	189	Property was sealed at 04 points (one at SF one at TF & 02 at fourth floor) also the front projection at FF, SF, TF & 4th floor were demolished and reinforcement cut down with the help of gas cutter.	Sealed				
06.05.2024		S-18 to 16, in front of S-17/10, Jogahai Extn	189	During the course of action, the property has been sealed at total 03 point at ground floor (02, at main entry point and one at back side) this entire property has been sealed.	Sealed				
11.01.2025	36/B/UC/EE(B)/CNL/2022 dated 31.01.2022/11886/B/Seal	Along S-18 to 16 in front of S-18/13, Jogahai Extension, New Delhi	189	A special property was fixed today wherein sealing team along with Police Force reached at Property and found the seal affixed at Ground Floor was tampered. Further the entire property has been Re-sealed at 02(Two) points on Ground Floor (01 point at Front side gate and 01 point at Back side gate).	Sealed	Arvindh Kasarotiya, JR	Jamia Nagar		
21.08.2025	664/B/UC/EE(B)/CNL/2022 DQ.12.2022	S-18 to 16, in front of S-17/10, Jogahai Extn., Bada House New Delhi	189	During the course of action, one point at main entry of ground floor was sealed, as seal already fixed was found in damaged condition.	on file	Omkar Singh	Jamia Nagar	Lal Chand Chhapra v. MCD, 6610/2022, 2025	Special Program

11. Perusal of the aforesaid table clearly shows that constant and regular action against the unauthorized construction in question has been taken by the MCD, time and again.

12. This Court further takes note of the submission made by the learned counsel appearing for the respondent-MCD that the property in question is lying sealed and that no unauthorized construction is going on in the property in question.

13. Accordingly, considering the submissions made before this Court, it is directed that the MCD shall ensure that no further unauthorized construction takes place in the property in question. Further action, which is required to be taken against the property, shall be taken, in accordance with law.

14. In view of the aforesaid, no further orders are required to be passed in the present writ petition.



15. The present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 15, 2025/SK