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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14638/2025, CM APPL. 60004/2025 & CM APPL.
60005/2025

RASHID HUSSAINPetitioner

Through: Mr. Wyomesh Tripathi, Advocate.
Mob. No.9318342967
Email : advocatewyom@gmail.com.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Yash Aggarwal, Advocate for R-1-MCD.

Mob. No.9911643408.

Email :
advyashaggarwal@gmail.com.

Mr. Rajesh Kumar Singh with Mr. Rohish Arora, Mr. Amit Bidhuri and Mr. Sagar Roy, Advocates for R-5 & 6(in person).

Mob. No. 9811776576

Email : Rohisharora@gmail.com

Ms. Tanvi Nigam, Senior Panel Counsel, UOI for R-2 & 3 with Ms. Lubhanshi Tanwar, Advocate and Mr. Pradeep Malik, S.I., P.S. Jamia Nagar.

Mob. No. 9560586644.

Email : nigam.tanvi@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.09.2025

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1. The present writ petition has been filed seeking directions to the



respondent nos. 1 to 4, to immediately stop and demolish the illegal and unauthorized construction being raised by respondent no. 5 & 6 at property bearing No. R-55& R-55A, admeasuring 8.84 Biswa, situated in Khasra no. 201, Village Jogabai, Sir Syed Road, Abadi in Jogabai Extension, Jamia Nagar, Okhla, New Delhi-110025.

2. Responding to the present writ petition, learned counsels appearing for the respondents point out that the address of the petitioner in the Memo of Parties is shown as Uttar Pradesh. Further, the Aadhaar Card of the petitioner is also of Uttar Pradesh.

3. Reverting to the same, learned counsel appearing for the petitioner submits that the present petition has been filed on the ground that the petitioner is the owner of the property in question and he has also filed the documents with respect to the title in the property in question.

4. On pointed query by this Court, as to when the property was purchased, learned counsel appearing for the petitioner submits that the property in question was purchased *vide* documents executed on 17th September, 1991.

5. Further, with regard to this Court's query as to how the petitioner, despite having purchased the property in the year 1991, is not in possession of the property, learned counsel appearing for the petitioner submits that the petitioner resides in Uttar Pradesh.

6. On pointed query by this Court as to whether the petitioner has filed any suit for possession of the property in question, when the possession admittedly is with the respondent nos. 5 and 6, learned counsel for the petitioner submits that no such suit for possession has been filed on behalf of the petitioner. However, he submits that since the unauthorized construction



is being carried out in an Ozone area, the present writ petition has been filed.

7. At this stage learned counsel appearing for the respondent nos.5 and 6 makes reference to another writ petition, filed as “*Danish versus Municipal Corporation of Delhi & Others*”, to submit that the said writ petition has been filed with respect to the same property, which is the subject matter of the present writ petition. It is further submitted that though the respondent nos.5 and 6 had been served with the said petition in the month of August, 2025, the said writ petition has not been listed before the Court yet.

8. Learned counsel for respondent nos.5 and 6 has handed over the copy of the aforesaid writ petition, which is taken on record.

9. Learned counsel appearing for respondent no.1, i.e., Municipal Corporation of Delhi (“MCD”) submits that unauthorized construction existing in the property in question has already been taken cognizance of, and a Demolition Order dated 8th September, 2025 has already been issued. He further submits that requisite action shall be taken in due course.

10. Having heard learned counsels for the parties, the submissions made by the learned counsel appearing for the petitioner before this Court, do not inspire any confidence. The fact that the petitioner has allegedly purchased the property in the year 1991, and has not been in possession of the said property, and despite the same, the petitioner has not filed any suit for possession, raises suspicious circumstances.

11. This Court notes the submission of learned counsel for the petitioner that since the area in question is an Ozone area, the petitioner could not have raised any construction and therefore, he is not in possession of the property in question. However, the said explanation, as given by the learned counsel appearing for the petitioner, seems to be dubious and is not acceptable to



this Court.

12. Accordingly, though this Court will not go into any title dispute between the petitioner and the respondent nos.5 and 6, however, the manner in which the present writ petition has been filed, raises suspicious circumstances.

13. However, at the same time, this Court takes note of the submission made by learned counsel appearing for the MCD that Demolition Order dated 8th September, 2025, with respect to unauthorized construction in the property in question, has already been passed.

14. Accordingly, it is directed that the MCD shall take requisite action against the unauthorized construction existing in the property in question, in accordance with law.

15. Any person aggrieved by the action or non-action on the part of MCD, shall have liberty to seek remedies, in accordance with law.

16. It is clarified that this Court has not gone into the issue of title of the property in question, which is a disputed question of fact.

17. In view of the seemingly suspicious circumstances in which the present writ petition has been filed, it is directed that, in case, any other petition is filed by the petitioner, i.e., Rashid Hussain, the Registry of this Court shall attach the copy of this order to the said writ petition and bring it to the notice of the Court, wherever such writ petition is listed.

18. The Aadhaar Card of the petitioner, as given in the present petition, is reproduced as under:



19. The MCD is bound to take action in accordance with law against the unauthorized construction existing in the property in question.
20. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025

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