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

+ **W.P.(C) 14640/2025 & CM APPL. 60007/2025**

MOHAMMAD ISLAM

.....Petitioner

Through: Mr. Baban Kumar Sharma, Mr.
Mohammad Naved Mian and Mr.
Mohd. Babar, Advs. with petitioner in
person
M: 9311776453

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS.**

.....Respondents

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya, Mr. Sanjay and Mr.
Satbeer, Advs. for MCD
Mr. Arjun Mahajan, SC with Mr.
Apoorv Upmanyu and Mr. Harsh
Vashist, Advs. for STF
Mr. Vivek Sharma, SPC with Ms.
Prerna Singh, Adv. for R-2

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 respondent nos. 1 to 3, to take steps to immediately stop the on-going illegal and unauthorized construction, being carried out by respondent nos. 4 to 6 in the properties measuring an aggregate of 300 sq. yds, bearing property Nos. *B-90 and 91, Abul Fazal Enclave Part-I, Shaheen Bagh, Jamia Nagar,*



Okhla, New Delhi-110025.

2. Learned counsel appearing for the petitioner submits that the present writ petition has been filed since the petitioner has a 35% share in the property in question.

3. Responding to the present writ petition, learned counsel appearing for respondent no.1-Municipal Corporation of Delhi (“MCD”) has handed over copy of the order dated 20th January, 2025, passed in W.P.(C) 637/2025 titled as *“Aakib Versus Municipal Corporation of Delhi through its Deputy Commissioner & Ors.”*, to submit that a writ petition with respect to the same property was filed earlier also. The order dated 20th January, 2025, reads as under:

“1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“i. Issue a writ, order or direction in the nature of MANDAMUS or any other appropriate writ thereby directing to stop the illegal and unauthorized construction being carried by respondent no.4 and 5 at the suit property i.e. B-90 and B-91, situated at Shaheen Bagh, Jamia Nagar, New Delhi-25 and further directing the respondent no. 1 to remove the encroachment and demolish the illegal and unauthorized structures already constructed on the suit property.

ii. Issue writ in nature of Mandamus and to pass orders and direction against the respondent no . 4 and 5 not to commit any violence of the provision of Delhi Municipal corporation Act,1987 and building by laws therein. The direction may be issue to respondent no.1,2 and 3 to take appropriate action and to register the criminal case against the respondent no.4 to 5 for carrying out the unauthorized and illegal construction over the suit property.”

2. Issue notice.

3. Counsels, as above, accept notice on behalf of respective Respondents.



4. *Learned Additional Standing Counsel for MCD/Respondent No 1, appearing on advance copy of the writ petition, hands over a set of documents, which includes an FIR dated 26.03.2024 registered against Respondent No.4, owner/occupier of the subject property; show cause notice dated 26.03.2024 under Sections 343 and 344(1) of the Delhi Municipal Corporation Act, 1957 (DMC Act) calling upon the owner/builder to submit his reply; and demolition order dated 05.04.2024 issued under Section 343 of the Act and submits, on instructions, that the demolition action is scheduled for 28.02.2025. Documents are taken on record.*

5. *In view of the aforesaid stand of MCD, no further order is required to be passed at this stage. Needless to state that any action taken by MCD will be compliant with all statutory requirements and as per the judgments of the Supreme Court in **In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***

6. *In case of any surviving grievance, Petitioner will be at liberty to approach the Special Task Force (STF) constituted vide orders of the Supreme Court in **M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730 and M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419.***

7. *This order is passed without prejudice to rights and contentions of Respondent No.4 who may take recourse to legal remedies in case of any surviving grievance.*

8. *Writ petition along with pending application stands disposed of in the aforesaid terms.”*

4. At this stage, learned counsel appearing for the petitioner submits that unauthorized construction is going on in the property in question, even today.

5. However, on perusal of the photographs that have been attached with the present writ petition, it is seen that the said photographs are of 09th January, 2025. The three of the said photographs, attached with the present writ petition, are reproduced as under:





6. It is seen that the aforesaid photographs dated 09th January, 2025, pertain to a period even before the order dated 20th January, 2025, was passed in the earlier writ petition with regard to the same property.
7. This Court takes note of the submission made by learned counsel appearing for the respondent no.1-MCD that partial action against the property in question was taken on 19th June, 2025, and further action is now fixed for 29th September, 2025.
8. At this stage, learned counsel appearing for the petitioner submits that earlier the construction was till fourth floor of the property in question, but now the construction is till the eighth floor of the property in question.
9. If that be the case, the MCD shall inspect the property in question in



order to assess the latest position of the property in question. The concerned officials of the MCD as well as the Station House Officer (“SHO”), Police Station, Shaheen Bagh, shall ensure no further unauthorized construction takes place in the property in question.

10. In case, any further unauthorized construction is allowed in the property in question, the concerned officials of the Building Department of MCD and the SHO, Police Station, Shaheen Bagh, shall be held personally liable for the same.

11. The MCD shall take requisite action against the unauthorized construction existing in the property in question, in accordance with law.

12. In case, any party is aggrieved by any action or non-action on the part of the MCD, they shall seek their remedies, in accordance with law.

13. This Court notes that the petitioner has already filed a Civil Suit with regard to the title of the property in question.

14. It is clarified that this Court has not made any observation as regards the claim raised by the petitioner in the present writ petition.

15. With the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025/KR