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

+ **W.P.(C) 14739/2025**

SYED MOHD KAFEEL AND ANRPetitioners

Through: Mr. Yusuf Khan, Advocate
Mr. Farrukh Tabish, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Mr. Anand Prakash, Standing
Counsel for MCD with Ms. varsha
Arya, Advocates (M:8851801293)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.12.2025

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1. The present writ petition has been filed seeking directions to the respondents to immediately stop the illegal and unauthorized construction being raised over the terrace of property bearing *No. E-9/1, Abul Fazal Enclave Part-1, Jamia Nagar, South Delhi-110025*.
2. Learned counsel for the petitioners submits that he has instructions to withdraw his *Vakalatnama*.
3. A new counsel, i.e., Mr. Farrukh Tabish, has put in appearance.
4. A Status Report dated 05th December, 2025 has been filed on behalf of respondent no. 1-Municipal Corporation of Delhi ("MCD"), relevant portions of which, reads as under:

"xxx xxx xxx"



3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone of MCD has inspected the same and also referred to record maintained in this office. The status of the actions as initiated/ taken against subject properties are detailed herein below:-

i. Pursuant to the present Petition, subject property has been inspected by the concerned field staff. During inspection, it has been observed that the Owner/ Occupier/ Builder of the property has constructed part fifth floor over old & existing construction of Ground Floor to Fourth Floor. Photographs showing the present status of the property are annexed herewith as **Annexure: A.**

ii. **Action u/s 343/344 of the DMC Act:-** Upon noticing the aforementioned unauthorised construction, demolition proceedings u/s 343/344 of the DMC Act were initiated against subject property vide U/c file No. 383/B/UC/EE(B)-I/CNZ/2025 dated 22.09.2025. Accordingly, a Show Cause Notice u/s 344(1) & 343 of the DMC Act bearing printed No. 21357 dated 22.09.2025 was issued in the name of Owner/ Builder with the directions to attend the personal hearing on 09.10.2025. Copy of Show Cause Notice as issued is annexed herewith as **Annexure: B.**



iii. **Personal hearing and Demolition Order:-** Pursuant to directions issued vide Show Cause Notice dated 22.09.2025, Shri Sayyed Mohd. Kafeel, Shri Javed Ahmad Khan and Shri Mohd. Shafiq Khan appeared before the undersigned to attend the hearing proceedings. During the proceedings, Shri Sayed Kafeel and Shri Javed Ahmad Khan submitted that the existing construction of the property from Ground Floor to Fourth Floor is old and the same was constructed prior to 01.06.2014 and requested for grant of some time for filing certain documents related to subject property. In order to maintain law of natural justice hearing was adjourned for 24.10.2025. Further hearing proceedings were conducted on 24.10.2025 and 07.11.2025. However, the applicants failed to produce any documentary evidence to establish the old status of their property. Accordingly, hearing proceedings were closed on 07.11.2025. After following due process of law, the necessary reasoned demolition order in the shape of detailed speaking order was passed on 01.12.2025, by the competent authority i.e. Asstt. Engineer (Bldg.) with the directions to the Owner/ Builder of the property to demolish the unauthorized construction under notice within 15 days of issue of the said order failing which MCD will demolish the same at their risk and cost.



Copy of demolition order dated 01.12.2025 as passed in this regard, is annexed herewith as **Annexure: C.**

4. That, further action in respect to the subject property shall be taken after expiry of above 15 days, in due course of time, as per law.

[Signature]



5. Perusal of the Status Report shows that after following the due procedure and after grant of hearing to the respective parties, a Demolition Order dated 01st December, 2025 has been passed by the MCD. The said Demolition Order has been placed on record.

6. As per the said Demolition Order, the owner/occupier of the property in question has been granted 15 days' time to demolish the unauthorized construction.

7. Learned counsel for respondent no. 1-MCD submits that in case, the needful is not done by the owner/occupier in demolishing the unauthorized construction, requisite action shall be taken by the MCD.

8. Accordingly, the MCD is directed to take action, in terms of its Demolition Order dated 01st December, 2025, in accordance with law.

9. However, in case any party is aggrieved by the Demolition Order dated 01st December, 2025, their right to challenge the same in accordance with law, is reserved.

10. It is further clarified that any action by the MCD pursuant to the Demolition Order dated 01st December, 2025, shall be subject to any order that may be passed in appropriate proceedings, wherein, the said Demolition Order may be challenged.

11. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 8, 2025/au