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

+ W.P.(C) 15375/2025 & CM APPL. 63028/2025

GAURAV AHLAWAT

.....Petitioner

Through: Mr. Ankit Jain, Sr. Adv. with Mr. Shailesh Tiwari and Ms. Apurva Tyagi, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Pratap Singh Ahluwalia and Mr. Sunil Kamat, Advs. for MCD
Mr. Kameshwar Nath Mishra, SPC with Ms. Vidya Mishra and Ms. Manisha, Advs. for R-3
Mr. Prateek Jain and Mr. Mukul Tomar, Advs. for R-4

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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08.10.2025

1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD"), to take action against the illegal and unauthorized construction being raised by respondent no.4 at property bearing No. 4153-4174, Sadar Bazar, Delhi-110006.
2. Learned Senior Counsel appearing for the petitioner submits that the petitioner stays across the road from where the construction is being carried



out and therefore, is directly affected by the said unauthorized construction.

3. Responding to the present writ petition, learned counsel appearing for the MCD has handed over copy of a Show Cause Notice dated 29th September, 2025, which is taken on record. Thus, it is submitted that the unauthorized construction in the property in question, has already been taken cognizance of, and that further action shall be taken, after following the due procedure.

4. *Per contra*, learned counsel appearing for respondent no. 4 submits that no unauthorized is being carried out. He has handed over copy of a letter dated 28th July, 2025, duly written by the respondent no. 4 and duly received by the MCD, wherein, the respondent no. 4 has stated that since the building in question is in a dangerous condition and needs repair work, the respondent no. 4 be granted permission for carrying out the repair work.

5. Learned counsel appearing for respondent no. 4 further submits that earlier, by way of a notice dated 09th August, 2021, received from the Office of Executive Engineer, Building-I, City SP Zone, MCD, the respondent no. 4 had received an advisory for dangerous building. The said notice is reproduced as under:



(Item 92 CR) 8/10

REMINDER-I

NORTH DELHI MUNICIPAL CORPORATION
Office of the Executive Engineer (Bldg.)-I, City SP Zone
Nigam Bhawan, 4th Floor, Old Hindu College,
Kashmere Gate, Delhi-06

No. D/AE(B)-I/CSPZ/2021/477

Dated: - 09/08/2021

ADVISORY FOR DANGEROUS BUILDING

During the survey conducted by the Building Department, City SP Zone, North DMC in the area of Ward No. 80-N (Sadar Bazar) it was noticed that the property No. 4151-52-53, 4178, Main Road, Pahari Dheeraj, Delhi-06 is in deteriorated/dangerous/dilapidated condition and requires immediate major repairs so as to avoid any mis-happening.

You are hereby directed to take immediate corrective measures with respect to strengthening of building and removal of dangerous portion from the premises under the supervision of qualified structural engineer as per unified building bye laws, 2016 and thereafter also directed to obtain and submit a structural stability/safety certificate, from a professionally qualified structural engineer duly empanelled from MCD, in the office of Executive Engineer (Bldg.)-I, City SP Zone, Nigam Bhawan, 4th Floor, Old Hindu College Building, Kashmere Gate, Delhi within 15 days, failing which action will be initiated under section 348 & 349 and other relevant provisions of the DMC Act.

You are instructed to take immediate necessary action to avoid any miss happening to the occupants of the building as well as passerby in adjacent gali/road.

This may be treated as Most Urgent and it may also be noted that North DMC shall not be responsible for any loss, whatsoever, to the inhabitants/occupiers or the property.

**Assistant Engineer (Bldg.)
City SP Zone**

**Sh. Gopal Khari, Owner/Occupier,
P.No. 4151-52-53, 4178, Main Road, Pahari Dheeraj, Delhi-06.**



6. Thus, it is submitted that, on account of the fact that the building in question is in a dangerous condition, as per the notice issued by the MCD, requisite repair work is being carried out by the respondent no. 4.

7. He further submits that the petitioner has no *locus* to file the present writ petition, which has been filed with ulterior motives, as the petitioner has been making attempts to extort money from the respondent no. 4. He further submits that a complaint in this regard was also given to the Police Station Bara Hindu Rao on 01st August, 2025. He has handed over copy of the said complaint, which is taken on record.

8. He has further given a copy of another complaint dated 28th September, 2025, to submit that the petitioner had visited the premises of the respondent no.4 and had created a ruckus therein. The said complaint is also taken on record.

9. Learned counsel appearing for respondent no. 4 submits that respondent no. 4 is the owner of property No. 4178, which is actually the terrace of property No. 4153 to 4174.

10. Responding to the aforesaid averments, learned Senior Counsel appearing for the petitioner has handed over to this Court a copy of the site plan, to show the location of the premises occupied by the petitioner and the premises of respondent no. 4. He submits that the right of ingress and egress of the petitioner was affected, since building material was kept on the street.

11. Be that as it may, since the property already stands booked and a Show Cause Notice dated 29th September, 2025 has been issued to respondent no.4, it is directed that respondent no.4 shall file a reply to the said Show Cause Notice.

12. Opportunity of personal hearing shall be granted to the respondent



no.4. All the requisite documents pertaining to the construction activity being undertaken by the respondent no. 4 shall be duly submitted to the concerned officials of the MCD.

13. The reply submitted by respondent no. 4 shall be duly considered and a Speaking Order with regard thereto shall be passed.

14. The MCD shall consider the fact that it had earlier issued a notice for dangerous building with respect to the property in question and that construction work is being carried out by respondent no. 4 on the basis of such notice issued by the MCD.

15. The respondent no. 4 is directed to comply with any directions that may be given by the MCD, with regard to the nature of construction work being carried out by respondent no. 4.

16. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/KR