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

+ W.P.(C) 18036/2025

ARIF ALI KHAN

.....Petitioner

Through: Mr. M. N. Siddiqui, Advocate
(through VC)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Kumar Shashwat Singh Sawne,
SC for MCD with Mr. Vishal Singh
and Ms. Shikha Mishra, Advocates
for R-1 & 2

Mob: 9999488489

Email:

shashwat@sandalawoffices.com

Mr. Sanjeev Sabharwal, SPC for UOI

Mob: 9810031680

Email: solicitor6@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.11.2025

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1. The present writ petition has been filed seeking directions to take action against the illegal and unauthorized construction raised at the terrace of third floor of property bearing *Plot No. 78, Pocket-1, Jasola Vihar, New Delhi*.

2. Responding to the present writ petition, learned counsel appearing for the respondent – Municipal Corporation of Delhi (“MCD”), submits that Show Cause Notice dated 20th November, 2025, has been issued with respect to the whole property, which also includes the property, under the



4. The concerned parties shall be granted opportunity to file their respective replies and shall also be granted opportunity of personal hearing by the concerned officials of the MCD.

5. This Court also takes note of the submission made on behalf of the MCD that a letter dated 20th November, 2025, has also been issued to the Station House Officer (“SHO”), Police Station-Sarita Vihar, to ensure that any ongoing unauthorized construction in the property in question is stopped forthwith. The said letter is reproduced as under:

 **MUNICIPAL CORPORATION OF DELHI**
OFFICE OF THE ASSISTANT ENGINEER (BLDG)-
CENTRAL ZONE, LAJPAT NAGAR,
NEW DELHI-110024


Dated:- 20/11/25

No. D 509 /A.E (B)- II /CNZ/2025.

To,

The Station House Officer,
Police Station- Sarita Vihar
New Delhi.

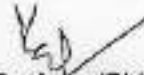
Subject:- Unauthorized Construction at Property No. 78, Pocket-1, Jasola, New Delhi
(Owner/Builder)

Action against the offenders u/s 344 (2) of the DMC Act.

Sir,

The owner / builder of the above said property is carrying out unauthorized construction without sanction / permission from the department as reported area JE. In spite of our best effort, the owner/builder has not stopped the construction activity at site. Necessary action under the provision of DMC Act, therefore, being contemplated against the offenders by the Municipal Staff.

You are, therefore, requested that action may be taken under the provisions of section 344 (2) of the DMC Act and the aforesaid unauthorized construction activity be stopped by the Police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc. involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the aforesaid site during holiday & odd hours also.


Asstt. Engineer (Bldg.)-
Central Zone



6. Accordingly, the concerned officials of the MCD as well as SHO, Police Station-Sarita Vihar, are directed to ensure that no further unauthorized construction takes place in the property in question. Any construction shall be allowed in the property in question only after requisite permission from the MCD.
7. In case any party is aggrieved by any action or non-action on the part of the MCD, their right to seek remedies in accordance with law, is reserved.
8. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 28, 2025

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