



\$~27 & 35

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

+ W.P.(C) 15377/2025 & CM APPL. 63035/2025

RAJAT ARORA

.....Petitioner

Through: Mr. Ikrant Sharma, Ms. Shweta Sharma, Ms. Ira Arora, Ms. Sonali Sharma, Ms. Kritika Kharub and Mr. Saksham Mittal, Advs.
Mob: 9810069880 & 8588842855
Email: ikrantsharma738@gmail.com

versus

MCD THROUGH COMMISSIONER & ORS.

.....Respondents

Through: Mr. Harshit Chopra and Ms. Swati Tiwari, Advs. for R-1,2,3/MCD
Mob: 9911543883
Email: advharshitchopra@gmail.com
Mr. H.S. Rai, Adv. for R-6, with Mr. Nempal Singh, A.O.R.
Mob: 9971317379
Email: lawadvisorindia@gmail.com
Mr. Rajat Arora, Adv.
Mob: 9717522180
Mr. Madhav Krishna Dubey, Sr.
Panel Counsel for R-5
Mob: 8595279588
Email: madhavkrishnadubey@gmail.com

35

+ CONT.CAS(C) 1824/2025 & CM APPL. 75294/2025

RAJAT ARORA

.....Petitioner



Through: Mr. Ikrant Sharma, Ms. Shweta Sharma, Ms. Ira Arora, Ms. Sonali Sharma, Ms. Kritika Kharub and Mr. Saksham Mittal, Advs.
Mob: 9810069880 & 8588842855
Email: ikrantsharma738@gmail.com

versus

SHRI ASHWANI KUMAR, THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sandeep Tyagi, SPC, with Mr. Mayank Saraswat, Advs. for R-2 and 3.
Mob: 9811912208
Mr. Harshit Chopra and Ms. Swati Tiwari, Advs. for R-MCD
Mob: 9911543883
Email: advharshitchopra@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
03.12.2025

%

1. The present petitions pertain to the allegations of the petitioner with regard to unauthorized construction and excess coverage in property Nos. 60B, 60C and 60D, Mayur Vihar, Phase-2, East Delhi, Delhi-110091.
2. Pursuant to the directions of this Court, a Status Report dated 01st December, 2025 has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:



2. That, Sh. Rajat Arora R/o 58B, Pocket – A, Mayur Vihar, Phase II, East Vinod Nagar, East Delhi – 110091 preferred to file this writ petition before Hon'ble High Court of Delhi praying therein to demolish the illegal and unauthorized construction at property

No. 60B, 60C & 60D, Mayur Vihar Phase – II, East Delhi – 110091.

3. That, it is to inform that the property wise detail is as under :-

- i. **Flat No. 60B, Pocket – A, Mayur Vihar Phase – II, Delhi.**
Junior Engineer, concerned had inspected the flat on 17.02.2025. During inspection it came to notice that the owner Sh. S.C Azad of the flat carried out deviation/excess coverage against the Standard Plan of DDA. That is to say that the unauthorized construction in the shape of deviation /excess coverage against Standard Plan of DDA was booked vide file dated 38/R/UC/SS/2025 dated 17.02.2025. Accordingly, Show Cause Notice u/s 344 (1) & 343 of the Act, 1957 was issued and addressed to Sh. S.C Azad. After following due process of law, the department passed the order of demolition on 17.04.2025. Copy of the Show Cause Notice and Demolition Notice dated 17.02.2025 & 01.04.2025 respectively are annexed as **Annexure R – 1 Colly.**

In compliance of order of demolition, the department scheduled action on 13.05.2025, wherein excess/extended portion in the shape of 01 RCC panel and projection and shaft upon staircase has been demolished.

On 28.05.2025, the demolition action taken on shaft and wall near main gate has been demolished.

On 06.08.2025, demolition action taken wherein roof of flat No. 60B has been demolished partly in partition wall was also demolished. Photographs taken during the action are annexed as **Annexure R – 2 Colly.**



ii. **Flat No. 60C, Pocket – A, Mayur Vihar Phase – II, Delhi.**

Junior Engineer, concerned had inspected the flat on 17.07.2025. During inspection it came to notice that the owner Sh. Sahdev of the flat carried out deviation/excess coverage against the Standard Plan of DDA. That is to say that the unauthorized construction in the shape of deviation /excess coverage against Standard Plan of DDA was booked vide file dated 126/B/UC/SS/2025 dated 17.07.2025. Accordingly, Show Cause Notice u/s 344 (1) & 343 of the Act, 1957 was issued and addressed to Sh. Sahdev. After following due process of law, the department passed the order of demolition on 17.09.2025. Copy of the Show Cause Notice and Demolition Notice dated 17.07.2025 & 19.08.2025 respectively are annexed as **Annexure R – 3 Colly.**

A demolition /sealing program was fixed for 18.09.2025, but action could not be taken due to non-availability of police force.

iii. **Flat No. 60D, Pocket – A, Mayur Vihar Phase – II, Delhi.**

The flat under reference has been inspected by the concerned Junior Engineer and it has been reported that neither any construction activity was noticed/observed nor any building material found stacked at site.

iv. **Flat No. 58B, Pocket – A, Mayur Vihar Phase – II, Delhi.**

(Property /flat belonging to the petitioner)

Junior Engineer, concerned had inspected the flat on 17.02.2025. During inspection it came to notice that the owner Sh. Rajat, Smt. Megha of the flat carried out deviation/excess



coverage against the Standard Plan of DDA. That is to say that the unauthorized construction in the shape of deviation /excess coverage against Standard Plan of DDA was booked vide file dated 39/B/UC/SS/2025 dated 17.02.2025. Accordingly, Show Cause Notice u/s 344 (1) & 343 of the Act, 1957 was issued and addressed to Sh. Rajat & Smt. Megha / Owner/Occupier. After following due process of law, the department passed the order of demolition on 17.04.2025. Copy of the Show Cause Notice and Demolition Notice dated 17.02.2025 & 01.04.2025 respectively are annexed as **Annexure R – 4 Colly**.

In compliance of order of demolition, the department intended to execute demolition action on various occasions such as on 28.04.2025, 13.05.2025, 28.05.2025, 01.08.2025 & 06.08.2025 but the same could not be executed on account of either non-availability of police force or shortage of time.

4. That, the Hon'ble High Court of Delhi, vide order dated 08.10.2025, has directed that

“ in the meanwhile, no unauthorized construction shall be carried out in the flats in question.

It is directed any action which is to be taken against the property of the petitioner, shall be taken only after considering the reply of the petitioner and after giving due hearing to the petitioner.”

5. That, in compliance of court of order dated 08.10.2025, the department granted personal hearing to Sh. Rajat Arora, the petitioner vide letter dated 15.10.2025, wherein it was requested to appear in person and to submit reply with reference to Show Cause



Notice vide booking file No. 39/UC/SS/2025 dated 17.02.2025 w.r.t flat No. 58-B, Pocket –A, Mayur Vihar Phase – II, Delhi.

6. That, on the date of hearing on 04.11.2025, Sh. Rajat Arora, the petitioner attended the hearing, wherein it was submitted that his mother-in-law is suffering from cancer and is under treatment in Jaipur. It was further requested to grant next hearing after one month. Accordingly, the next date of hearing has been fixed for 01.12.2025 at 3:00 PM.

7. That, on 01.12.2025, the petitioner did not attend the hearing.

8. That, further demolition/sealing action will be taken in due course of time.

3. Perusal of the aforesaid Status Report shows that action has been taken by the MCD in the flats in question.

4. Further, learned counsel appearing for the respondent-MCD has also handed over to this Court, photographs pertaining to the action taken yesterday, i.e., 02nd December, 2025, with respect to *Flat No. 60-B*, which are taken on record.

5. Further, this Court notes that as regards the property of the petitioner, the petitioner did not attend the hearing on account of which, final orders have not been passed by the MCD.

6. It is made clear that in case, the petitioner does not appear before the MCD on the next date of hearing, which is fixed by the MCD, the MCD is at liberty to take action against the property of the petitioner, in case, any



unauthorized construction/excess coverage is found in the property of the petitioner.

7. A Status Report with regard to the action taken, against the petitioner, shall be duly uploaded on the website of the Special Task Force (“STF”).

8. Noting the above and with the aforesaid directions, the present petitions, along with the pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 3, 2025/SK