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

+ **W.P.(C) 125/2025**

ABDUL MANNAN

.....Petitioner

Through: Ms. Sana Ansari and Mr. I. Ahmed,
Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Umang Tyagi, Additional
Standing Counsel for MCD.

Ms. Avni Singh, Panel Counsel with Ms. Prapti
Singh, Advocate for R-2.

Mr. Shouryendu Ray, SPC with Ms. Istela Jameel,
Advocate for R-3 with Mr. Ravi Poonia, Sub
Inspector.

Ms. Prabhsahay Kaur, Standing Counsel with Mr.
Bir Inder Singh Gurm and Ms. Kavya Shukla,
Advocates for STF.

Mr. Anil Panwar and Mr. Aman Qayoom Wani,
Advocates for R-5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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13.01.2025

CM APPL. No. 465/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 125/2025 & CM APPL. 464/2025

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

(i) for issuance of a writ/order/direction in the nature of a writ of mandamus thereby directing the respondents no. 1 & 2 to take legal action of sealing/demolition against the illegal and unauthorized construction



being raised property bearing no. G-198 being part of Khasra No. 357,358 & 354/1 Situated at Gali No. 17 and 18, Old Mustafabad, Near Noor Masjid, Delhi-110094 (measuring area about 1150 sq. Yds.) in the shape of Basement, Ground, First Floor to Third Floor with projection(s) & encroachment towards municipal land;

(ii) for issuance of writ of order/direction in a nature of writ of prohibition thereby restraining the respondents from making or permitted to be made further illegal and unauthorized construction in the property bearing no. G-198 being part of Khasra No. 357,358 & 354/1, Gali No. 17 and 18, Old Mustafabad, Near Noor Masjid, Delhi-94 (measuring area about 1150 sq. Yds.) and further from putting the said illegal construction/ stmcture into use in any manner whatsoever;

4. In paragraph 2 of the writ petition, Petitioner has alleged that there is unauthorized construction on a large scale in property bearing G-198 being part of Khasra No. 357,358 & 354/1, in Gali No.17 and 18, Old Mustafabad, Near Noor Masjid, Delhi-110094 (measuring area about 1150 sq. Yds.) in the shape of basement, ground floor and first floor to third floor with no permission/sanction from the MCD and Municipal land has been encroached.
5. Issue notice.
6. Counsels, as above, accept notice on behalf of the respective Respondents.
7. On the last date of hearing, Ms. Kaur had submitted that STF had registered the complaint of the Petitioner and forwarded the same to MCD for appropriate action. Learned counsel for MCD had taken time to revert back with instructions.
8. Learned counsel for MCD hands over a document which indicates that properties bearing No. G-198 and 199, being part of Khasra No. 357,358 & 354/1, in Gali No.17 and 18, Old Mustafabad, Near Noor Masjid, Delhi, were inspected. A school namely, Jamia Arabia Public School is



running in the said property and the property consists of basement, ground floor and second floor. During inspection, it was found that there was no ongoing construction at the site and the property was old and occupied. In this regard, the owner had furnished electricity bills indicating that the connection was energised way back on 06.09.2007 and again on 15.12.2014.

9. Ms. Kaur, at this stage submits that MCD be directed to upload the status of the property on the STF portal and the matter will be considered by the STF in its next meeting.

10. This writ petition is accordingly disposed of with a direction to the MCD to upload the status of the subject property on the STF portal forthwith and as stated by Ms. Kaur, the matter will be examined by STF in its next meeting. Additionally, this writ petition will be treated by STF as a supplementary complaint and the alleged unauthorised constructions, etc. brought forth by the Petitioner will be looked into.

11. Needless to state this order is without prejudice to the rights and contentions of Respondent No. 5, who is represented by his counsel. Respondent No. 5 will be at liberty to take recourse to legal remedies, if aggrieved.

12. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 13, 2025/shivam