



\$~35

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

+ **W.P.(C) 857/2025**

ANIL KUMAR PASSI

.....Petitioner

Through: Mr. Abhay Kumar and Mr. Amrit Rai
Gupta, Advocates along with Petitioner in person.

versus

**MUNCIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Puneet Yadav, Advocate for
Respondent No.1/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.01.2025

%

CM APPL. 4211/2025

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

W.P.(C) 857/2025

3. This writ petition is preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

“a. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to forthwith enforce the demolition/sealing orders passed against the unauthorized construction at property C 1/1224, Vasant Kunj, New Delhi-110070 as per the order dated 26.10.2024 passed by the Respondent no. 2 and also directs the appropriate authorities to disconnects all illegal connections like electricity and water supply with immediate effect.

b. Issue a Writ/Order/Direction in the nature of Mandamus and/or any other appropriate writ directing the Respondents to update the official



property records maintained at the Registrar's office to reflect the demolition/sealing status of the property in compliance with the Commissioner's order dated 06th December 2023.

c. Issue a Writ/Order/Direction in the nature of Mandamus and/or any other appropriate writ directing the Respondents to submit a compliance report before this Hon'ble Court within a stipulated period of time.”

4. Grievance of the Petitioner is that Petitioner made several complaints against the unauthorized construction in property bearing No. C-1/1224, Vasant Kunj, New Delhi and on inspection on 18.10.2023 carried out by *Tehsildar*, Vasant Vihar, it was found that extended construction was being carried out on the already built up top floor. Several complaints were made thereafter to different authorities but no action was taken until 06.12.2023 when MCD booked the property under Sections 343/344 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') and while staffs were sent on 08.07.2024 to demolish the unauthorized construction, only cosmetic demolition was made by bringing down small window. Even thereafter, Petitioner has been pursuing his compliant but no action is being taken.

5. Issue notice.

6. Learned counsel for Respondent No.1/MCD accepts notice and, on instructions, submits that subject property was booked on 27.10.2023; work stop notice was issued on 14.11.2023; letter was written to the Sub-Registrar of the concerned area on 14.11.2023 for not registering the property; sealing order was passed on 12.01.2024 followed by demolition order on 12.01.2024 and demolition action was taken on 08.07.2024, wherein some part of the property was demolished. A letter was also sent to the SHO of the concerned area to keep watch and ward over the property and further demolition action is scheduled for 31.01.2025 depending on availability of Police force.



7. In view of the stand taken by MCD that demolition action is scheduled for 31.01.2025, at this stage, no further order is required to be passed in the present petition and accordingly, writ petition is disposed of.

8. Needless to state that any further action taken by MCD will be compliant with statutory formalities and judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

9. This order is passed without prejudice to the rights and contentions of Respondent No.3, who is at liberty to take recourse to legal remedies, if aggrieved. In case of any surviving or further grievance, it will be open to the Petitioner to approach the Special Task Force constituted pursuant to the directions of the Supreme Court in *M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730* and *M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419*.

JYOTI SINGH, J

JANUARY 23, 2025

B.S. Rohella/shivam