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

+ **W.P.(C) 1357/2025**

ANIL KUMAR GOYAL

.....Petitioner

Through: Mr. Rachit Gupta and Mr. Vinit Tyagi, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ANR.**

.....Respondents

Through: Mr. Rakesh Malhotra and Mr. Bharat Malhotra, Advocates for MCD.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

03.02.2025

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

"1. A writ, order or directions in the nature of Mandamus do issue Commanding the Respondent no. 1 (MCD) to stop, book and demolish entire unauthorized development/construction of building at 5th & 6th FLOOR, 75 sq. yards, in property bearing 1882, Gali Takhat Wali, Kucha Khayali Ram, Moholla Imli, Bazar Sita Ram, Delhi- 110006."

2. Learned counsel for the Petitioner submits that because of the unauthorized construction in the subject property, his property which has a common wall has been damaged in the form of cracks in the walls and even bricks have started falling which could be extremely dangerous for the Petitioner who is a senior citizen.

3. Issue notice.



4. Mr. Rakesh Malhotra, learned counsel accepts notice on behalf of MCD and on advance copy of the writ petition, on instructions, submits that during inspection conducted on 26.12.2024, unauthorized construction was noticed in property bearing No. 1882 (Part), Gali Takhat Wali, Kucha Khayali Ram, Moholla Imli, Bazar Sita Ram, Delhi in the shape of construction of two rooms on the 4th floor and the property has been booked under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act'). Show cause notice dated 26.12.2024 has been issued to the owner/occupier to show cause why demolition order be not passed. No response has been received till date to the show cause notice. It is further stated that work stop notice has been issued to the SHO of the concerned area on 27.12.2024 to ensure that the work of unauthorized construction stops. Copies of the documents handed over in Court are taken on record. Copies have been furnished to the learned counsel for the Petitioner.

5. In view of the stand of the MCD and the documents handed over in Court, at this stage, no further order is required to be passed. Assurance of MCD that necessary action will be taken as per law is taken on record. Needless to state any further action will be compliant with applicable statutory provisions and in light of the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***

6. Considering that the Petitioner is a senior citizen and damage is being caused to his property apart from there being a possibility of an injury due to the falling bricks, concerned officials of MCD and the SHO will ensure that work is stopped by the owner/occupier of the subject premises till further action by MCD as per law.



7. Writ petition stands disposed of in the aforesaid terms. In case of any surviving/further grievance, Petitioner will be at liberty to take recourse to legal remedies.

8. This order is passed without prejudice to the rights and contentions of Respondent No. 2.

JYOTI SINGH, J

FEBRUARY 03, 2025/shivam