



\$~13

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

+ W.P.(C) 12995/2018 & CM APPL. 50420/2018

SHRI BHAGAT RAJ

.....Petitioner

Through: None.

versus

NORTH MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Shekhar Vyasa and Ms. Neha
Warrier, Advs. for R-NDMC
Mob: 9560962997
Email: neha@svalaw.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

27.10.2025

%

1. None appears for the petitioner when the matter is called out.
2. A Status Report dated 08th April, 2025, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx

3. That the property no. 3142, Gali no. 33 and 34, Beadonpura, Karol Bagh, New Delhi abuts two roads i.e. Gali No. 33 and 34.





4. That the WPC No. 4956 of 2001 titled as Sh. Bhagat Raj Vs. MCD and Ors. had been filed by the petitioner against the alleged unauthorized construction carried in the property by the respondent no. 3 who happened to be his brother. In pursuance of the direction passed in the WPC No. 4956 of 2001, the premises no. 3142, Gali no. 33 and 34, Beadonpura, Karol Bagh, New Delhi, had been inspected and the construction raised was found without the Sanction Building Plan and appropriate action as per the provisions of DMC Act, 1957 was taken.
5. That as per records action u/s 344(1) & 343 of the DMC Act, 1957 had been initiated against property bearing no. 3142/33, Gali No. 33 and 34 (part), Beadonpura, Karol Bagh, New Delhi-110005 vide file no. B/UC/KBZ/2002/09 dated 10.01.2002 in the shape of one shop with staircase and projection on Mpl. Land at ground floor and one room with staircase at first floor, one room with toilet at second floor, one room with staircase at third floor and projection on Mpl. Land and one room at fourth floor with staircase and projection on Mpl. Land. The Order of demolition had been passed on 17.01.2002.
6. That action u/s 345A w.r.t. file no. B/UC/KBZ/2002/09 dated 10.01.2002 had been initiated vide show cause notice bearing no. 52/EE(B)/KBZ dated 16.01.2002. Order of sealing had been passed on 21.01.2002.



7. That vacation notice u/s 349 of the DMC Act, 1957 had been issued vide no. D/EE(B)/KBZ/2001/72 dated 22.01.2002. The property had been sealed at two points on 04.02.2002. One point of shop and one point at main entry. The SHO P.S. Karol Bagh had informed accordingly on 04.02.2002. Demolition action had also been taken, post de-sealing of the premises with the prior approval of Competent Authority, on 12.08.2002 and 05.09.2002. Property was re-sealed on both dates after taking the demolition action. Seals affixed by the Corporation were found to be tampered and the premises had been resealed on 25.11.2003. Seals had again been tampered. Property had been resealed on 06.05.2004. Seals were again found tampered. The entrance of entire building at one point and one shop at ground floor at one point sealed in the presence of Police Force on 06.12.2004.

8. That, meanwhile, further action against the Property bearing No. 3142, Gali No. 33 and 34 (remaining part), Beadonpura, Karol Bagh, New Delhi-110005 had been initiated u/s 344(1) & 343 of the DMC Act, 1957 in terms of unauthorized construction in the shape of one room with staircase and projection on Mpl. Land and two shops and one gallery in Gali no. 33 & 34 at ground floor and mezzanine floor in part portion towards gali no. 33 and three rooms with one store, one bath room and one latrine with staircase and projection on Mpl. land at first floor and one room covered with Agra stone with toilet at second floor vide file no. B/UC/KBZ/2002/62





dated 01.03.2002. The Order of demolition had been passed on 08.03.2002. The rough sketch of the property which had been booked vide file no. B/UC/KBZ/2002/09 dated 10.01.2002 and B/UC/KBZ/2002/62 dated 01.03.2002 had been marked in FIR dated 01.03.2002 in file no. B/UC/KBZ/2002/62 dated 01.03.2002. The copy of the FIR dated 01.03.2002 is annexed herewith as **Annexure-A**.

9. That action for sealing u/s 345A of the DMC Act, 1957 w.r.t. file bearing no. B/UC/KBZ/2002/62 dated 01.03.2002 had also been initiated vide show cause notice no. 360/EE(B)/KBZ/02 dated 14.03.2002. Order of sealing had been passed on 21.03.2002. However, from the record available in the file, it reveals that the sealing order dated 21.03.2002 was not executed at site.
10. That aggrieved with the action of sealing and demolition of the Corporation, the order of sealing and order of demolition (booking file no. B/UC/KBZ/2002/09 dated 10.01.2002) had been challenged before the ATMCD in the matter titled as Sh. Prabhu Dayal Vs MCD vide appeal no. 60/ATMCD/03 and 125/ATMCD/04. The ATMCD vide common order dated 23.03.2004 had remanded back both the appeals to the Corporation with the direction to the appellant to appear before the Competent Authority on 14.04.2004.
11. That in pursuance of the order dated 23.03.2004 appellant had appeared before the AE(B), w.r.t. proceedings of demolition,



on 20.12.2004 and 29.12.2004. Order of demolition had been passed, post consideration of the submission of the appellant, on 07.01.2005 wherein, the construction raised had been declared as unauthorized. The appellant had also appeared before the DC/KBZ, w.r.t. proceedings of sealing. After hearing the appellant, the order of sealing had been passed on 07.01.2005. Writ Petition bearing no. 4956/2001 titled as Bhagat Raj Vs MCD & Ors. had been disposed of by the Hon'ble High Court on 01.03.2005 wherein, the fresh sealing order and demolition order passed by the Corporation in pursuance of the order of the ATMCD, had been recorded.

12. That an action taken report had also been filed in CM No. 14326/2005 in WPC No. 4956/2001 in January 2006 with regard to demolition action taken in the property. The contents of the ATR are reproduced as under:

a. *"That practically all portions of this property from front side measuring 22. Sq. Yrds, has been rendered inhabitable and no commercial activity is being carried out in the same. The Owner/Occupant of First Floor is no more residing in the same. Photographs of the demolished portion/action is annexed herewith as*

Annexure- 'A'

That complete demolition of building is not possible as by demolition, the property of neighbors are adversely effected and might be damaged. There is a possible of





loss to life in this process as there is a small street 8 ft. in width in front of the above said demolished house”.

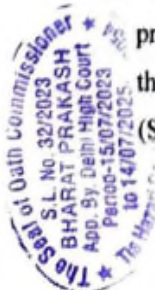
- c. The copy of the status report along with photograph is annexed herewith as **Annexure-B**.

13. That the property had been inspected by the area Junior Engineer(Bldg.) on 16.05.2024. It had been reported that there are three entry points/shutters from Gali No. 33. Two points were found to be sealed. The third entry/door was found locked at the time of inspection. The property had also been inspected from the back i.e. Gali No. 34. There is one shutter (S.K. Jewellers) which was also found locked.

14. That the property has also been inspected on 03.04.2025 by the area Junior Engineer(Bldg), Karol Bagh Zone. During inspection, it has been noticed that the portion of the construction which was earlier demolished is still lying demolished and the portion of the property which was found sealed/locked on 16.05.2024 is still lying sealed/locked.

15. The property had also been inspected from the back i.e. Gali No. 34. There is one small shop (S.K. Jewellers) is being run in the property. The said shop is part of the portion which was booked vide file no. B/UC/KBZ/2002/62 dated 01.03.2002 and sealing order dated 21.03.2002 (which was not executed).

16. That it is also submitted that no coercive action against the property can be taken at present as the same is protected as per the provisions of The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as extended upto





31.12.2026. The copy of The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 is annexed herewith as **Annexure-C**.

17. That it would be pertinent to mention here that the above mentioned fact was not brought to the knowledge of this Hon'ble Court in the earlier affidavits filed due to inadvertent error on behalf of the Answering Respondent. Furthermore, it is respectfully submitted that there being no estoppel against law and as pointed out by this Hon'ble Court on the last date of hearing to state the above correct proposition of law/ factual aspect, it is the responsibility of the deponent to bring the correct/complete facts before the Hon'ble Court at the time of filing affidavits. In this regard, the deponent assures this Hon'ble Court to be more diligent and careful in future.

18. That it is further submitted that the property at present is lying in very dilapidated and ruinous conditions. The photograph of the property taken during inspection on 03.04.2025 and a rough sketch of the complete property are annexed herewith as

Annexure-D.

Seal of Court

”

3. In view of the aforesaid Status Report, no further orders are required to be passed by this Court, for the time being.

4. Noting the aforesaid, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 27, 2025/SK