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\$~33 and 34

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05.02.2026**+ **CONT.CAS(C) 1614/2023, CM APPL. 6558/2026**

MOHD SHABBIR .....Petitioner

versus

S.K SINGH &amp; ORS. ....Respondents

+ **CONT.CAS(C) 8/2024, CM APPL. 7831/2026**

PARDEEP KUMAR .....Petitioner

versus

SH GYANESH BHARTI &amp; ORS. ....Respondents

**Presence:** Mr. Ravish Kumar and Mr. Shivendu Singh, Advocates for Petitioners in Item Nos.33 and 34.

Mr. Niraj Kumar, Sr. Central Govt. Counsel along with Mr. Praveen, SI, PS Malviya Nagar in Item No.33.

Mr. Kapil Dutta, SC for MCD in Item Nos.33 and 34.

Mr. N. S. Dalal, Ms. Nidhi Dalal, Mr. Alok Kumar and Ms. Rachana Dalal, Advocates for R-4 in Item Nos.33 and 34.

**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**1. *Vide* order dated 13.01.2026, this Court has ordered as under:

*"1. The Municipal Corporation of Delhi (MCD) is directed to file a status report, setting out the present status of the property viz. 318-A/4, measuring 431 sq. yards, comprised in Khasra No.740/496, in the Abadi of Lal Dora (1908-1909) of Village Chirag Delhi, New Delhi-110017, clearly stating the action already taken in respect thereof and future course of action with regard thereto.*



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2. It shall be specifically disclosed as to whether the entire construction is unauthorized and if so, whether demolition action is proposed to be taken with regard to the entire building.

3. Let the aforesaid status report be filed on affidavit within a period of one week from today.

4. List on 05.02.2026.”

2. Pursuant to the aforesaid directions, a status report has been filed on behalf of the MCD, *inter alia*, stating as under:-

“4. That pursuant to the aforesaid directions of this Hon'ble Court, so as to ascertain the present status of the subject property i.e. bearing No. 318-A/4, measuring 431 Sq. Yards, comprised in Khasra No.740/496, situated in the Abadi of Lal Dora (19081909), Village Chirag Delhi, New Delhi, the same has been again got inspected through area field staff of Building Department-I of South Zone MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the status in respect of the subject as ascertained is here as under:

i) As per record, the subject property has been identified as property No. 318, Chirag Delhi, New Delhi, which stands booked for unauthorized construction vide file No.152/UC/B-I/SZ/2023 dated 25/08/2023 in the shape of Ground floor and raising columns of First floor, booked vide file No. 171/UC/BI/SZ/2023 dated 09/10/2023 in the shape Second floor and Third floor (in continuation of previous booking file No. 152/UC/B-I/SZ/2023 dated 25/08/2023) and further booked vide U/c file No. 23/UC/B-I/SZ/2024 dated 07/02/2024 in the shape of Fourth floor (in continuation of earlier booking No. 171/UC/B-I/SZ/2023 dated 09/10/2023), for taking the necessary demolition action U/S 343/344 of DMC Act. Upon following due process of law, the necessary demolition orders also stands passed by the Competent Authority i.e. the AE (Bldg) I of South Zone vide dated 06/09/2023, 25/10/2023 and 16/02/2024 respectively.

ii) Furthermore, letters dated 31/08/2023, 23/10/2023 and 13/03/2024 u/s 344 (2) of the DMC Act, have also been sent to SHO, PS. Malviya Nagar, New Delhi with the request that the unauthorized construction in respect of the subject property be stopped immediately and workmen present at site / property be removed and construction material including the tools, machinery, etc. be seized.

iii) Beside this, letters dated 11/09/2023, 23/10/2023 and 13/03/2024 have also been sent to concerned authorities i.e. BSES and Delhi Jal Board for disconnection of their electricity and water supply from the subject



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property.

iv) Similarly, letters dated 04/09/2023, 23/10/2023 and 13/03/2024 have also been sent to Sub-Registrar with the request not to register the subject property under the Indian Registration Act, 1908.

v) Apart from this, Prosecution action u/s 466-A of DMC Act, 1957 has also been initiated against the subject property and a complaint dated 20/08/2024 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi.

vi) Furthermore, it is also point out here that the sealing proceedings u/s 345-A of DMC Act, 1957 have also been initiated and after following due process of law, the necessary sealing orders have also been passed by the Competent Authority i.e, the then Deputy Commissioner of South Zone - MCD vide 26/10/2023 and 08/05/2024..

vii) Hence, in light of above, the entire construction as carried out in respect of the subject property is unauthorized and already stands booked for taking necessary actions under the relevant provisions of DMC Act-1957.

5. That further on referring to the record, it has also been observed that pursuant to the aforesaid demolition / sealing orders already passed in respect of the subject property, the Building Department-I of South Zone - MCD has also tried / taken / carried out the following necessary demolition / sealing action till time:

| S. No. | Date of Action | Action taken                                                                                                                                              |
|--------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | 06/10/2023     | Upon availability of police force, 02 RCC panels have been cut down by gas cutter at Ground floor level and also demolished walls / doors at First floor. |
| 2.     | 30/10/2023     | Action could not be taken due to non-availability of police force.                                                                                        |
| 3.     | 14/11/2023     | Upon availability of police force, 01 point on staircase leading to First                                                                                 |



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|    |            |                                                                                                                                                                                                           |
|----|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. | 24/11/2023 | Floor and above has been sealed.<br>Action could not be taken due to non-availability of police force.                                                                                                    |
| 5. | 11/12/2023 | Upon availability of police force, after de-sealed the property 04 RCC panels have been demolished and cut the reinforcement bars at Ground floor roof slab. Simultaneously, property has been re-sealed. |
| 6. | 26/12/2023 | Action could not be taken due to non-availability of police force.                                                                                                                                        |
| 7. | 04/01/2024 | Upon availability of police force, 03 RCC panels at Ground floor roof slab and 02 RCC panels at Third floor roof slab have been demolished / cut down.                                                    |
| 8. | 25/01/2024 | Upon availability of police force, property has                                                                                                                                                           |

|     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.  | 12/03/2024 | been re-sealed in Ground floor staircase subsequently. a complaint dated 07/03/2024 has also been sent to DCP South District, East Zone, New Delhi for lodging of an FIR u/s 449/188 of IPC read with section 481 of DMC Act, 1987 against the offenders / violators.<br>Upon availability of police force, 02 RCC panels on roof slab of Fourth floor and 01 RCC panel on roof slab of Third floor have been demolished and cut down the reinforcement bars. |
| 10. | 02/05/2024 | Upon availability of police force, 02 RCC panels have been demolished and reinforcement cut down on roof slab of Fourth floor. Hence this.                                                                                                                                                                                                                                                                                                                    |





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|    |            |                                                                                                                                                                                                                 |
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|    |            | property has been sealed in 04 points on First floor, Second floor, Third floor & Fourth floor i.e. 01 point at each floor.                                                                                     |
| 11 | 09/05/2024 | On the instance of tampering of seals effected by this department, a complaint dated 09/05/2024 has been sent to DCP South District, Police, New Delhi for lodging of an FIR against the violators / offenders. |
| 13 | 31/05/2024 | Action could not be taken due to non availability of police force.                                                                                                                                              |
| 13 | 31/06/2024 | Action could not be taken due to shortage of time.                                                                                                                                                              |
| 14 | 24/07/2024 | Action could not be taken due to non availability of police force.                                                                                                                                              |
| 15 | 31/07/2024 | Upon availability of                                                                                                                                                                                            |

|    |            |                                                                                                                                                                                                                                                                    |
|----|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |            | police force, balcony / chajja on First floor have been demolished and reinforcement cut down and also iron grill cut down.                                                                                                                                        |
| 16 | 18/10/2024 | Action could not be taken due to shortage of time.                                                                                                                                                                                                                 |
| 17 | 25/10/2024 | Action could not be taken due to non availability of police force.                                                                                                                                                                                                 |
| 18 | 15/04/2025 | Upon availability of police force, 01 RCC panel has been demolished and reinforcement cut down on roof slab of Ground floor and partition walls have also been demolished. Beside this, entry of flat at front portion on First floor has been sealed at 01 point. |
| 19 | 25/09/2025 | Upon availability of police force, 01 RCC panel at roof slab of Ground floor demolished                                                                                                                                                                            |





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|     |            |                                                                                                                                                                                                                                        |
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|     |            | and also reinforcement bars cut down with the help of gas cutter. Beside this, 01 point sealed at entry point of flat at Fourth floor.                                                                                                 |
| 20. | 14/10/2025 | Action could not be taken due to shortage of time as the action was taken upon another properties i.e. bearing No. T-23 and T-23/1, Khirki Extension, New Delhi and no time left thereafter.                                           |
| 21. | 26/11/2025 | Action could not be taken due to non availability of police force.                                                                                                                                                                     |
| 22. | 19/01/2026 | So as to take further necessary demolition / sealing action smoothly / effectively in respect of the subject property, a Vacation Notice u/s 349 of DMC Act - 1957 has also been sent to the owner / occupier to vacate the same and a |
|     |            | copy thereof has also been endorsed to concerned, SFO PS Malviya Nagar, New Delhi with the request to get the impugned property / portion vacated.                                                                                     |
| 23. | 20/01/2026 | Upon availability of police force, entry point of 01 flat sealed at Third floor.                                                                                                                                                       |
| 24. | 28/01/2026 | Upon availability of police force, 02 RCC panels have been demolished and reinforcement bars cut down with the help of gas cutter at roof slab of Second floor.                                                                        |

6. That after taking the aforementioned demolition / sealing action, letters



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*dated 05/12/2023, 13/12/2023, 04/01/2024, 25/01/2024, 12/03/2024, 02/05/2024, 01/08/2024, 12/03/2025, 29/09/2025, 21/01/2026 and 29/01/2026 have also been sent to SHO concerned PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that demolished portion may not be restored / repaired and the seals affixed by the department may not be tampered with.*

*7. That now the department has fixed the further demolition / sealing action programme in respect of the subject property for 11/02/2026 which will be taken / carried out, upon availability of police force.”*

3. Mr. Kapil Dutta, learned counsel appearing for the MCD, submits and undertakes, on instructions, that it shall be ensured that no unauthorized construction shall be allowed to subsist in respect of the property in question.

4. It is assured and undertaken that the requisite demolition action shall be taken to ensure that all unauthorized construction on the property is demolished. He further assures that the property shall be inspected at regular intervals to ensure the same and to also ensure that the premises are not misused.

5. He submits that the next round of demolition action (for demolishing the remaining unauthorized construction) is now scheduled for 11.02.2026. Let the said action be carried out and taken to its logical conclusion.

6. The concerned SHO is directed to cooperate with the MCD in this regard.

7. There is another aspect of the matter *vide* orders dated 03.11.2023 and 19.12.2023 passed in CONT.CAS(C) 1614/2023, this Court took note of the allegations on the part of the respondent no.4 (the owner of the concerned property), to the effect that the petitioner is an extortionist and that the writ petition bearing WP(C)12350/2023 [in which the order dated 20.09.2023



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came to be passed by this Court, which is the subject matter of CONT.CAS(C) 1614/2023] was filed in pursuance of the mala fide intention of the petitioner to extort money from the said respondent.

8. *Vide* order dated 19.12.2023 passed in CONT.CAS(C) 1614/2023, it was noted of the fact that the respondent no.4 has filed certain audio recordings and transcripts, wherein the petitioner in CONT.CAS(C) 1614/2023 was allegedly demanding money from the respondent no.4.

9. *Vide* order dated 19.12.2023 passed in CONT.CAS(C) 1614/2023, it was ordered as under:-

*“7. Let the entire transcript, case file be looked into by SHO-Malviya Nagar and give a report including forensic analysis within a period of eight weeks from today. Thereafter, appropriate action shall be undertaken.”*

10. Thereafter, a status report has been filed by PS Malviya Nagar, wherein, it has been stated as under:-

*“5. That in compliance of the Hon'ble Court order, the audio recordings and video recordings and CCTV footage were obtained from the respondent No. 4, in a pen drive and the pen drive containing audio recording and video recording and CCTV footage were deposited at the Forensic Science Laboratory, Rohini, New Delhi against their receipt No. **SFSLDLH-3298/Phy-(AV)-247/24/P/241/24** dated **15.03.2024** for examination and its report.*

*6. That the Forensic Science Laboratory examined the deposited exhibits and opined vide their examination report dated 31.12.2024 as under: -*

*a) On auditory analysis of audio recordings contained in folder namely "audio" in pen drive marked "Exhibit 1", by critical listening and subsequent waveform and spectrographic analysis, there was no indications of any form of alteration by using audio-analyst system.*

*b) On laboratory examination of audio-video files namely "MOV00016.avi" and "MOV00017.avi" in the pen drive marked "Exhibit-1", it was observed that each file contains one identified video shot. There is no indication of alteration in the identified video*





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*shot on the basis of frame-by-frame examination by using Video Analyst System. On auditory analysis of audio track of audio- video recording, by critical listening and subsequent waveform and spectrographic analysis, there was no indications of any form of alteration in audio recording.*

*c) On laboratory examination of audio-video file namely, "NVR ch8 main\_20231019062424\_20231019063625.dav" in the pen drive marked "Exhibit 1", it was observed that video file is continuous footage of CCTV recording. There is no indication of alteration in the CCTV recordings on the basis of frame-by-frame examination by using Video Analyst System. On auditory analysis of audio track of audio-video recording, by critical listening and subsequent waveform and spectrographic analysis, there was no indications of any form of alteration in audio recording."*

11. In the circumstances, since the audio recording relied upon by the respondent no.4 was not found to be tampered with and the same allegedly substantiates the allegation of the respondent no.4, it is necessary to further investigate the matter. Accordingly, the concerned SHO is directed to carry out a thorough investigation, *inter alia*, taking into account the transcripts and the respective allegations and counter allegations of the parties.

12. If considered appropriate, the concerned SHO is directed to register an FIR and take the matter to its logical conclusion.

13. No further orders are required to be passed in the present contempt petitions; the same are, accordingly, disposed of. Pending applications also stand disposed of.

**SACHIN DATTA, J**

**FEBRUARY 5, 2026/r**