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

+ **W.P.(C) 2001/2026 with CM APPL. 9749/2026**

PRADEEP MAHALWAL

.....Petitioner

Through: **Mr. Amit Kumar, Advocate (through
video-conferencing)**

versus

**THE COMMISSIONER MUNICIPAL CORPORATION OF
DELHI & ORS.**

.....Respondents

Through: **Mr. Kumar Shashwat Singh Sawno,
Standing Counsel for MCD with Mr.
Vishal Singh, Advocate for R-1.
Mr. Chiranjiv Kumar, Mr. Mukesh
Schdeva & Dr. Dharam Deshra,
Advocates for R-2.
Mr. Deepak Pathak, Mr. Saquib
Neshat, Mr. Zishan Ahmad,
Advocates for R-3 & 4 along with R-
3 in-person.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

12.02.2026

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1. The present writ petition has been filed seeking the following reliefs:

“a) Issue of writ of mandamus or other writs of like nature to the Respondent Nos. 1 & 2 to take necessary action as per the provisions of the Delhi Municipal Corporation Act, 1957 against the illegal and un-authorized stoppage and destruction of government 'nali', encroachment over government nali, destruction of new constructed road and construction of illegal and un-authorized constructions upto 7 floor building without sanction plan and without valid permission from civic bodies by respondent



nos. 3&4.

b) Issue Writ of Mandamus or any other appropriate writ or order, restraining the Respondent Nos. 3&4 from illegal and unauthorized stoppage and destruction of government 'nali', encroachment over government nali, destruction of new constructed road.”

2. The grievance of the petitioner is that on account of unauthorised construction carried out by respondents no. 3 and 4, the drain in front of the petitioner's house has been blocked.
3. The petitioner has filed photographs along with the petition to show the unauthorised construction as well as the blockage of the drain.
4. A complaint has also been made by the petitioner with respondent no.1/MCD on 29th September, 2025, followed by a representation dated 2nd January, 2026.
5. Issue notice.
6. Notice is accepted by counsel appearing on behalf of respondents no. 1, 2, 3 and 4.
7. Counsel appearing on behalf of respondent no. 1/MCD, submits that the officials of MCD have inspected the subject property and found encroachment resulting in the blockage of the drain as well as the unauthorised construction.
8. He further submits that a show cause notice has been issued by respondent no. 1/ MCD to respondents no. 3 and 4 regarding the same.
9. Counsel appearing on behalf of respondents no. 3 and 4 denies the fact that there is any encroachment or unauthorised construction.
10. He submits that he will duly reply to the show cause notice and take



remedies available in law.

11. Accordingly, the respondent/MCD as well as the private respondents are directed to take necessary action so as to ensure there is no blockage in the drain abutting the petitioner's and the respondent's house.

12. Insofar as the unauthorised construction is concerned, respondent/MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

13. All rights, contentions and legal remedies of respondents no. 3 and 4 shall remain protected.

14. The petition is disposed of in the aforesaid terms.

15. All pending applications stand disposed of.

AMIT BANSAL, J

FEBRUARY 12, 2026

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