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

+ **W.P.(C) 2757/2025 & CM APPL. 13156/2025**

CHAND BABU

.....Petitioner

Through: Mr. Vipul Kumar Adv. with petitioner
versus

DDA & ANR.

.....Respondents

Through: Ms. Ankita Sarangi, Adv. for MCD
Mr. Tushar Sanu, Mr. Pravin. Bansal,
Mr. Ritik Anmol Advs .for DDA

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **09.03.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“(a) issue a Writ in the nature of MANDAMUS and/ or any other appropriate Writ/ Order/ Direction of like nature thereby directing the respondent No. 1 to forthwith take appropriate action against the unauthorized and illegal construction carried out by the Respondent No.2 in the property in question i.e. TERRACE OF FLAT NO.203, MIG FLATS (METRO APARTMENTS), JAHANGIRPURI, DELHI-110033 and to thereafter demolish the same;

(b) issue a Writ in the nature of PROHIBITION and/ or any other appropriate Writ/ Order/ Direction of like nature restraining the Respondents No. 2 from proceeding with the construction/ encroachment in and around the aforesaid



property except in strict accordance with the Rules/sanction of the Respondent No.1, and 2, in the light of the facts and circumstances narrated hereinabove;...”

2. The case of the petitioner is that the petitioner is owner of the flat bearing No. 201, Ground Floor, MIG Flats (Metro Apartments), Jahangirpuri, Delhi-110033 and the respondent No. 2 i.e., Dr. Ajit Singh, is the owner of the property bearing Flat No. 203, First Floor, MIG Flats (Metro Apartments), Jahangirpuri, Delhi-110033.
3. In March 2018, respondent No. 2 demolished the concrete water tank of petitioner and started construction at terrace. The petitioner being aggrieved by such conduct of respondent No. 2 made several complaints to respondent No. 1 i.e., Delhi Development Authority (“DDA”) and other departments and even filed a civil suit bearing CS SCJ No. 732/2018, wherein the Court of Senior Civil Judge, North District, Delhi *vide* order dated 07.06.2018 passed an *ex-parte ad-interim* injunction directing respondent No. 2 to maintain *status quo*.
4. Later, respondent No. 1 filed a status report dated 01.03.2019 confirming illegal construction carried out by respondent No.2. Thereafter, the Court *vide* order dated 12.03.2019 granted liberty to respondent No. 1 to remove unauthorized and illegal construction.
5. Thereafter, the petitioner also filed contempt petitions against the respondent No. 2 and raised grievances against respondent No. 2 before respondent No.1.
6. Hence, the present petition.
7. Mr. Kumar, learned counsel for the petitioner, states that the respondent No. 2 has constructed the entire floor illegally and



unauthorizedly over the terrace of the first floor, which is neither sanctioned by respondent Nos. 1 or 3 and the additional construction is causing extra load on the flat of the petitioner as the ground floor is not equipped to handle load of an additional floor.

8. My attention has been drawn to the Status Report on behalf of respondent No.1/DDA, wherein relevant paragraphs read as under:-

“6. That in light of the above reliefs sought by the Petitioner in the present writ petition, the answering Respondent No. 1/DDA submits that in the above captioned matter regarding illegal and unauthorized constructions in Flat No. 203, MIG DDA Flats Jahangirpuri, an inspection was carried out by the answering Respondent No.1/ DDA in the said property. During the inspection of the said property it was found that construction of an additional floor, extension of front, backyard and side balconies, along with the construction of additional rooms on the roof of the unauthorized floor above Flat No.203 was being carried out by the occupant therein.

7. That in furtherance of the aforesaid, the Respondent No.1/ DDA issued a show cause notice dated 15.11.2025 to the "Occupant of Flat No. 203" wherein, the occupant has been asked to provide reasons as to why an order for demolition of the said unauthorized construction should not be passed. Further, an order for immediate discontinuation of the aforesaid illegal construction/encroachment has also been passed in the said show cause notice.



8. That it is further submitted, the occupant of the said property has been given ten days' time to furnish his reply to the aforesaid show cause notice, from the date of receiving the same. In fact, the occupant or his authorised representative has also been asked to be present before the concerned competent authority issuing the said notice on behalf of the Respondent DDA."

9. A perusal of the paragraphs, as reproduced above, shows that construction of an additional floor, extension of front, backyard and side balconies, along with the construction of additional rooms on the roof of the floor above Flat No. 203, First Floor, MIG Flats (Metro Apartments), Jahangirpuri, Delhi-110033 is unauthorized and illegal.
10. Despite the same, the said portions have not been demolished and continue to exist in violation of the rules, regulations and by laws of the DDA as well as the Municipal Corporation of Delhi i.e., respondent No. 3.
11. As per the service report, the respondent No. 2 has been served but despite service, there is nobody appearing on behalf of the respondent No. 2 nor has any reply been filed on behalf of respondent No. 2.
12. In this view of the matter, the respondent Nos. 1 and 3 shall ensure that the illegal and unauthorized construction made over Flat No. 203, First Floor, MIG Flats (Metro Apartments), Jahangirpuri, Delhi-110033, is removed immediately and in any case, not later than 4 weeks from today.
13. The compliance report shall be filed within a period of 4 weeks thereafter i.e., 8 weeks from today and in case the same is not filed,



the file shall be put up before the Court by the Registry. Additionally, the copy of the compliance report shall also be given to the learned counsel for the petitioner.

14. With these directions, the present petition is disposed of, along with pending applications, if any.
15. The Status Report on behalf of respondent No.1/DDA handed over in the Court today is taken on record.

JASMEET SINGH, J

MARCH 9, 2026/sp