



\$~58

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

+ **W.P.(C) 6487/2026**

SHRI DHARAM RAJ

.....Petitioner

Through: Mr. Parul Agarwal, Advocate
(Through *video-conferencing*)

versus

MCD AND ORS.

.....Respondents

Through: Mr. Hemant Singh & Mr. Attrey
Gupta, Advocates for MCD.
Mr. Arjun Mahajan, Standing
Counsel with Ms. Monica Batra, Mr.
Apoorv Upmanyu, Mr. Ravikant
Kumar & Mr. Vishal, Advocates for
STF.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

13.05.2026

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

1. Issue a writ of mandamus or other suitable writ under Article 226 of the Constitution of India directing the Respondent no.1 to seal the suit property i.e. 42-A Ground Floor, 42-C First Floor, 42-E Second Floor, 42-G Third Floor, Fourth



Floor(at the roof of 42-G) Pocket-L, Shaheed Bhagat Singh College, Sheikh Sarai Phase-2, District South, New Delhi-110017 and subsequently demolish the same which is illegal and unauthorized, as per their statutory duty and , also issue a writ of mandamus or other suitable writ under Article 226 of the Constitution of India directing the Respondent no.2 to take steps to restrain Respondent no.4 to 6 from raising further illegal construction at the property bearing no. 42-A Ground Floor, 42-C First Floor, 42-E Second Floor, 42G Third Floor, Fourth Floor Pocket-L, Shaheed Bhagat Singh College, Sheikh Sarai Phase-2, District South, New Delhi-110017.
(MAIN RELIEF IS SOUGHT FROM MCD)

2. Photographs have been filed along with the writ petition depicting the construction being carried out in the flats bearing no. 42A, 42C, 42E, 42G, *Pocket-L, Shaheed Bhagat Singh College, Sheikh Sarai Phase-2, New Delhi-110017* (hereinafter '*subject flats*').
3. Counsel appearing on behalf of the respondent no.1/ MCD, on advance notice, submits that the subject flats have been booked by respondent/ MCD on 4th May, 2026 and show cause notices have been issued on 4th May, 2026 to the owners/ occupiers.
4. Counsel appearing on behalf of the respondent no.1/ MCD has handed over a document in Court detailing the action taken in respect of subject flats. The same is reproduced below:



SYNOPSIS

In W.P. (C) No. /2026 case titled as Shri Dharam Raj VS Municipal Corporation of Delhi & Ors.

DOI:

So as to ascertain the status of the subject properties i.e. bearing No. 42-A, Ground floor, 42-C, First floor, 42-E Second floor, 42-G, Third floor and Fourth floor (at the roof of 42-G), Pocket - L, Shaheed Bhagat Singh College, Sheikh Sarai Phase - 2, District South, New Delhi, the same have been inspected by the 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 details of the actions as initiated / taken in respect of the aforementioned subject properties under the relevant provisions of DMC Act - 1957 are entailed herein below:

1.	P.No. 42-A, Pocket -L, Sheikh Sarai, Phase-II, New Delhi.	1) This property has been booked by the department for unauthorized construction vide U/c File No. 64/UC/B-I/SZ/2026 dated 04/05/2026 in the shape of excess coverage / deviations against Standard DDA Plan at Ground floor & Further U/c by way of covering courtyards and projections on Govt. Land, for taking the necessary demolition action u/s 343/344 of DMC Act - 1957. The requisite Show Cause Notice vide serial No. 25952 dated 04/05/2026 has also been issued to the owner / builder.
2.	P.No. 42-C, Pocket -L, Sheikh Sarai, Phase-II, New Delhi.	1) This property is already stands booked by the department for unauthorized construction vide U/c File No. 27/UC/B-I/SZ/2026 dated 18/03/2026 in the shape of excess coverage / deviations against Standard DDA Plan at First floor & Further U/c in the shape of covering available open space above garage of Ground floor alongwith projections on MPL Land at front portion (Rest of the First floor flat is old and occupied), for taking the necessary demolition action u/s 343/344 of DMC Act - 1957. Upon following due process of law, the necessary demolition order has also been passed by the Competent Authority vide dated 08/04/2026. 2) Furthermore, letters dated 19/03/2026 and 20/04/2026 u/s 344 (2) of the DMC Act - 1957 have also been sent to SHO, PS. Hauz Khas, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in



		question be removed and construction material including the tools, machinery, etc. be seized.
3.	P.No. 42-E, Pocket -L, Sheikh Sarai, Phase-II, New Delhi.	1) This property is already stands booked by the department for unauthorized construction vide U/c File No. 28/UC/B-I/SZ/2026 dated 18/03/2026 in the shape of excess coverage / deviations against Standard DDA Plan at Second floor & Further U/c in the shape of covering available open space available at roof of First floor alongwith projections on MPL Land (Rest of the Second floor flat is old and occupied), for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. Upon following due process of law, the necessary demolition order has also been passed by the Competent Authority vide dated 08/04/2026. 2) Furthermore, letters dated 19/03/2026 and 20/04/2026 u/s 344 (2) of the DMC Act – 1957 have also been sent to SHO, PS. Hauz Khas, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized.
4.	P.No. 42-G, Pocket -I, Sheikh Sarai, Phase-II, New Delhi.	1) This property has been booked by the department for unauthorized construction vide U/c File No. 65/UC/B-I/SZ/2026 dated 04/05/2026 in the shape of excess coverage / deviations against Standard DDA Plan at Third floor & Further U/c in the shape of raising of walls & columns, shuttering, reinforcement for slab at roof of Third floor at Front & rear & U/c in the shape of part Fourth floor (Part Fourth floor is old & occupied), for taking the necessary demolition action u/s 343/344 of DMC Act – 1957. The requisite Show Cause Notice vide serial No. 25954 dated 04/05/2026 has also been issued to the owner / builder.

5. In view of the aforesaid, the present writ petition is disposed of, while directing respondent no.1/ MCD to take action in accordance with law.

6. In the event the petitioner has any further grievance with regard to unauthorised construction, the petitioner would be at liberty to take appropriate remedy in accordance with law.

7. All rights, contentions and legal remedies of the private respondents



no.4 to 7/ owners/ occupiers are kept open.

MAY 13, 2026

at

AMIT BANSAL, J