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

\+ W.P.(C) 11771/2025 with CM APPL. 48114/2025 & CM APPL. 70237/2025

MR ARUN DUA & ORS. .....Petitioners

Through: Mr. Sacchin Puri, Senior Advocate with Ms. Vidhi Gupta, Ms. Aarzoo Khattar, Mr. Satyam Rajput, Mr. Abhay Verma, Mr. Harsh Vardhan and Mr. Abhishek Singh, Advocates

versus

MUNICIPAL CORPORATION OF DELHI MCD THROUGH COMMISSIONER & ORS. .....Respondents

Through: Mr. Dhruv Rohtagi, Panel Counsel with Ms. Chandrika Sachdeva and Mr. Dhruv Sharma, Advocates for GNCTD

Mr. Niraj Kumar, Sr. Central Government Counsel with Mr. Chaitanya Kumar, Advocate for Delhi Police

Mr. Ankit Jain, Senior Advocate with Mr. Harshit Jain, Mr. Eish Kesarwani and Mr. Parth Gautam, Advocates for R-4 and R-5

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 27.01.2026

1. The present writ petition has been filed seeking directions to

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respondents no. 1 to 3 to take action against the illegal and unauthorised construction being carried out by respondents no. 4 and 5 on the land bearing *Khasra Nos. 19/15/2 (2-16), 19(16) min (4-8), 19/17 (4-16), total admeasuring 12 bighas (approximately 2.50 acres or 10,117.1 sq. mtrs.), situated in Village Jounapur, New Delhi*, which is adjoining the petitioner's property.

2. It is submitted that the said land is situated in a Low Density Residential Area ('LDRA') and the construction being carried out on the said land is illegal, unauthorised and contrary to the law, in particular, the setback norms, height restrictions, Floor Area Ratio ('FAR') restrictions, minimum green area norms, etc. applicable to LDRA as specified in the Master Plan of Delhi-2021 ('MPD-2024') and Unified Building Bye Laws for Delhi, 2016 ('Building Bye-laws').

3. While issuing notice in the petition on 6th August, 2025, it was directed that the MCD and Station House Officer (SHO) of the Local Police Station shall ensure that no further unauthorised construction will take place in the property in question.

4. A status report has been filed on behalf of MCD on 24th September, 2025, wherein it was stated that property in question was booked on 21st April, 2025 and a demolition order has been passed on 15th May, 2025. Further, a letter dated 24th April, 2025 was issued to the concerned SHO to stop the unauthorised construction. In the said status report, it was also stated that demolition action was carried on 18th September, 2025.

5. Subsequently, pursuant to the order passed by this Court on 11th November, 2025, a fresh status report has been filed by respondent no.1/ MCD on 24th January, 2026.

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5.1 The copy of the same has been handed over in Court and the same is taken on record.

5.2 The relevant extracts of the said status report are set out below:-

> *"3. That further, it is submitted that as per record, on initiating Prosecution action u/s 466-A of DMC Act 1957 in respect of the subject property, a complaint dated 09/10/2025 has also been sent to DCP South District, Hauz Khas, New Delhi for lodging of the FIR and taking Penal Action against the offenders. Copy of complaint as sent is annexed herewith as* ***Annexure -A****.*
> *4. That further, in the sealing proceedings as initiated u/s 345-A of DMC Act-1957, upon following the due process of law, the necessary sealing order has also been passed by the Competent Authority i.e. Deputy Commissioner of South Zone - MCD vide dated 15/12/2025. Copy of sealing order is also annexed herewith as* ***Annexure-B****.*
> *5. That further, pursuant to demolition order already passed in respect of the subject property, the Building Department -II of South Zone - MCD has taken carried out the further necessary demolition action as per the details given herein below:*

S. No.	***Date of Action***	***Action Taken***
1.	*29/09/2025*	*Upon availability of police force, 02 RCC panels have been demolished at Ground floor and steel reinforcement bars have also been cut down with the help of gas cutter.*
2.	*12/01/2026*	*Upon availability of police force, 02 RCC panels of part of structure have been demolished at Ground floor and reinforcement bars cut down with the help of gas cutter.*
3.	*23/01/2026*	*Upon availability of police force, 02 RCC panels have been demolished at First floor and reinforcement bars. cut down with the help of gas cutter.*

> *The photographs taken during the aforesaid demolition action are annexed herewith as* ***Annexure-A (Colly)****.*
> *6. That after taking the aforesaid demolition action, letters dated 30/09/2025, 13/01/2026 and 23/01/2026 have also been sent to concerned, SHO PS Fatehpur Beri, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired. Copy of the said letters as sent are also annexed herewith as*

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Annexure-B (Colly).

7. That so as to take further action in respect of the subject property, the department has now fixed the necessary action programme for 04/02/2026 which will be taken carried out, upon availability of police force."

6. Mr. Ankit Jain, Senior Counsel on behalf of respondents no.4 and 5 that the said respondents are intending to take appropriate proceedings as per law, against the sealing order as well as demolition order passed by the respondent no.1/MCD.

7. In view of the status report filed on behalf of respondent no.1/MCD, this Court is satisfied that MCD is taking appropriate steps in accordance with law.

8. Accordingly, the present petition is disposed of while directing respondent no.1/MCD as well as the concerned SHO to ensure that no further unauthorised construction takes place in the subject property.

9. Needless to state, all rights of the private respondents shall remain open.

AMIT BANSAL, J

JANUARY 27, 2026
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