



\$~16

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 554/2016, CM APPL. 39480/2022, CM APPL.
31452/2024, CM APPL. 61770/2024 & CM APPL. 26855/2026

SURESH KHERA

.....Petitioner

Through: Mr. Madhur Sharma, Advocate.
Petitioner through VC.

versus

DEEPAK PROHIT & ORS

.....Respondents

Through: Mr. Kapil Dutta, SC for MCD with
Ms. Arti Bansal, ASC for MCD.
Mr. K.R. Meena, EE(B)/KBZ, MCD
and Mr. Rajesh Rohilla, AE(B)/KBZ,
MCD.
Mr. Amandeep Singh and Mr.
Davinder Hora, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

23.04.2026

%

1. This hearing has been done through hybrid mode.
2. The present petition under Sections 3(b)/11/12 of the Contempt of Courts Act seeks following prayers:-

“In view of the above circumstances, it is, therefore, most respectfully prayed that the contempt proceedings may kindly be initiated against the respondents/contemnors for contempt of Court vide order dated 11.08.2015 passed in W.P.(C) No. 3905/15 and they may be prosecuted under the provisions of law for wilfully and intentionally disobeying and violating of this Hon’ble court.

Any other order which this Hon’ble court deems fit and proper be also granted in favour of the petitioner.”

3. *Vide* order dated 11.08.2015 the following directions were passed:-



“8. The petition is disposed of with the following directions:

- (i) The respondent No.1 NrDMC to take the action stated to have been already initiated with respect to the property, to its logical conclusion within a period of two months from today.
- (ii) The SHO, PS Karol Bagh represented through Sub Inspector (SI) Sunil Kumar is directed to enforce the Work Stop Notice issued by the respondent No.1 NrDMC and to ensure that no work of construction whatsoever is carried on in the property.
- (iii) Such of the construction in the entire property No.10158- 10171, Sunder Singh Building, Abdul Aziz Road WEA, Karol Bagh, New Delhi which is found to be unauthorized be sealed / demolished within 15 days of the expiry of two months from today.
- (iv) The petitioners as well as the respondents No.2 to 5 or any other person aggrieved from the action so taken by the respondent No.1 NrDMC shall have remedies in accordance with law and which shall be adjudicated without being influenced by any observation contained herein.”

4. During the course of the present proceedings, various status reports have been filed. *Vide* status report dated 25.04.2019, it was stated as under:-

“4. That the Municipal Corporation of Delhi had initiated action against the unauthorized construction by booking the same under section 343 and 344 of DMC Act 1957 vide file no. B/UC/KBZ/91/409 dt. 21.05.1991 in the shape of basement for having been constructed without getting NOC from the DDA as per the conditions of B.P.C. for the sanction of building plan no. 178/A/HQ/529/AE-I dt. 21.11.1990. The demolition order in respect of the unauthorized construction had been passed vide No. B/UC/KBZ/91/409 dt. 31.05.1991.

5. That the Municipal Corporation of Delhi had initiated further action against the unauthorized construction in the shape of partition walls and shutters at ground floor for shops in the existing property and construction of columns at fourth floor in the property under section 343 and 344 of DMC Act 1957 vide file no. B/UC/KBZ/93/327 dt. 26.10.1993. The demolition order, however, had been passed in respect of unauthorized construction vide no. B/UC/KBZ/93/327 dt. 01.11.1993 in the shape of partition walls and shutters at ground floor for shops in existing building



and construction of laying of roof at fourth floor and construction of partition walls at fourth floor in this property, after following due process of law.

6. That several demolition actions, against the unauthorized construction in the property, were taken on 13.02.1996, 22.02.1996, 23.02.1996, 24.02.1996 and 27.02.1996.

7. That the Municipal Corporation of Delhi, after revocation of the building plan, had initiated further action against the unauthorized construction in the shape of basement, ground floor, first floor, second floor, third floor and columns at fourth floor in the property under section 343 and 344 of DMC Act 1957 vide file no. B/UC/KBZ/97/235 dt. 30.06.1997. It is submitted that demolition order in respect of the unauthorized construction in the shape of basement, ground floor, first floor, second floor, third floor and columns at fourth floor in this property had also been passed vide no. B/UC/KBZ/97/235 dt. 04.07.1997 after following due process of law.

8. That the unauthorized construction in the basement, by way of erection of walls on right side portion and converting the same into shops (15 no.), was done by the owner/builder after 07.04.2007. The Corporation had initiated action against the said unauthorized construction in the basement for erection of walls on right side portion and converting the same into shops (15 no.), under section 343 and 344 of DMC Act 1957 vide file no. B/UC/KBZ/2014/173 dt. 11.04.2014. The demolition order had been passed vide no. B/UC/KBZ/2014/173 dt. 24.04.2014.

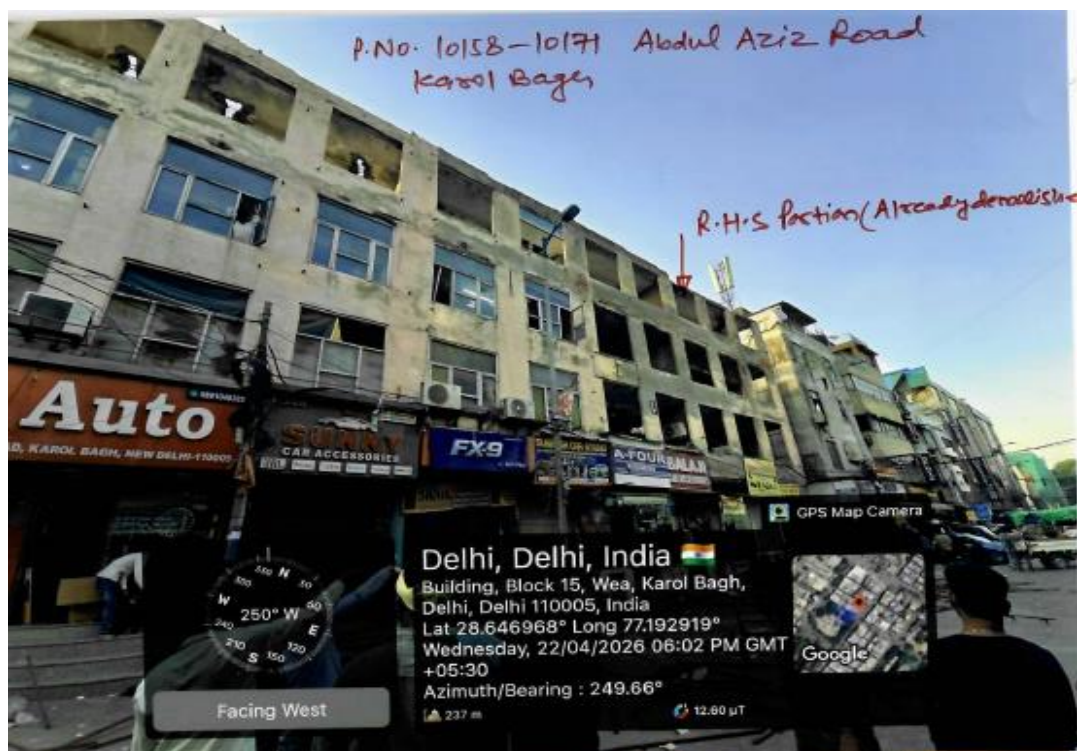
9. That the Corporation had also initiated sealing action against the unauthorized construction in the basement for erection of walls on right side portion and converting the same into shops (15 no.) under section 345-A of DMC Act. A show cause notice to that effect was issued vide no. D/EE(B)/KBZ/15/5958 dt. 25.08.2015. The sealing order in respect of aforesaid unauthorized construction had also been passed vide no. S/B/KBZ/2015/29 on 04.09.2015.

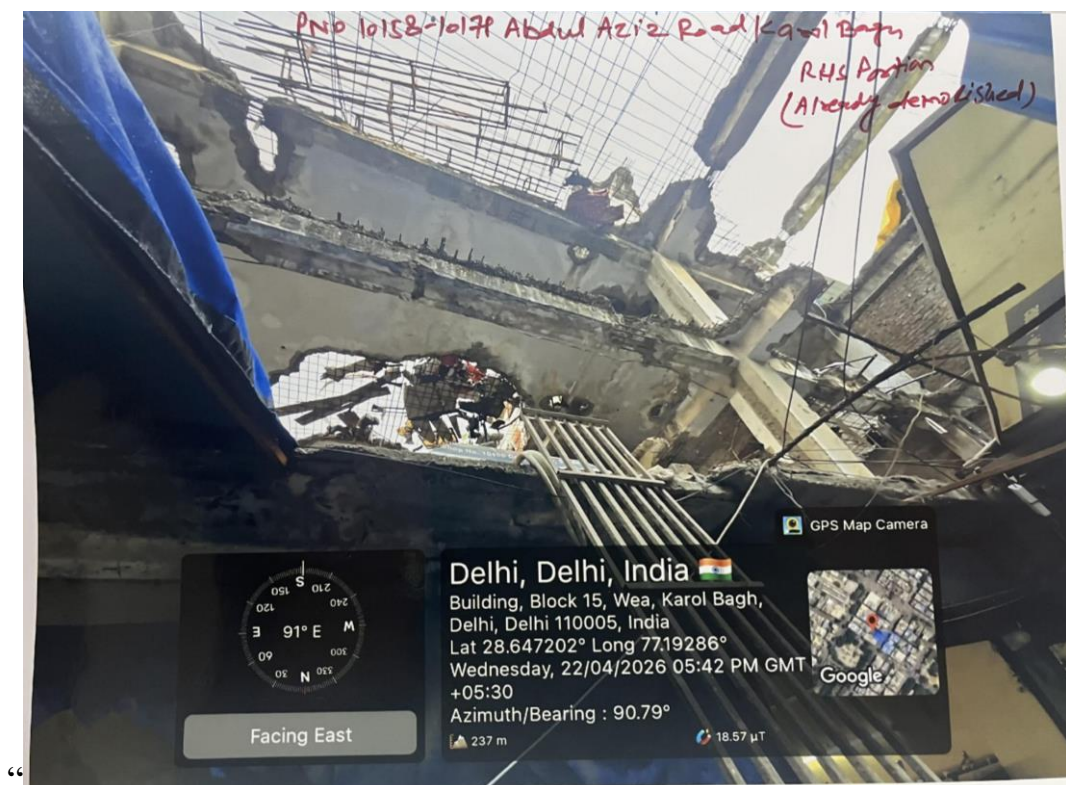
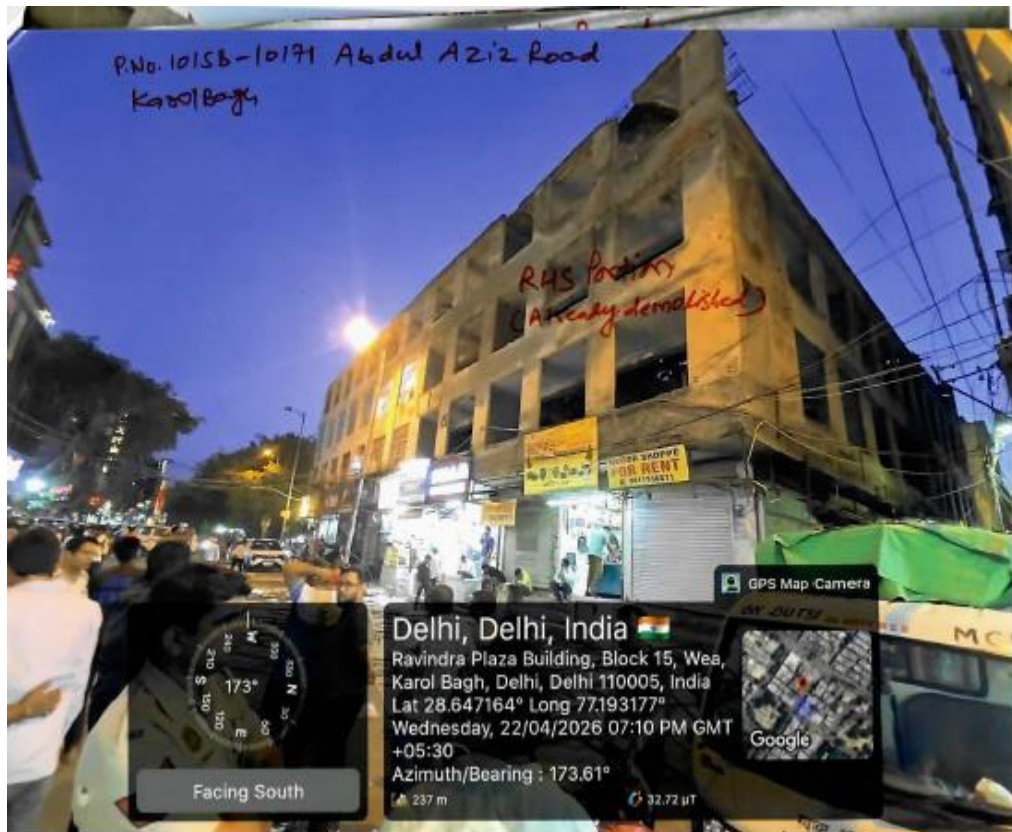
10. That on 11.09.2015 demolition action was taken in the property in question with the assistance of police force from PS Karol Bagh. It is submitted that in the said action, 15 shops located in the right hand side portions of Basement of the property was demolished by way of removing the shutters and demolishing the partition walls. Photographs of the



demolition action taken on 11.09.2015 have already been placed on records of this Hon'ble Court as Annexure R-1/1 (colly). It is further submitted that the photographs of the property taken in September-2016 have also been placed on record of this Hon'ble Court as Annexure R-1/2 (colly). The unauthorized construction which had taken place in the property (basement) after 07.04.2007 had been demolished in the demolition action taken on 11.09.2015.”

5. Subsequently, learned counsel appearing on behalf of MCD, on instructions from Mr. K.R. Meena, Executive Engineer (Building) MCD, submits that on 22.04.2026 the building was again inspected and necessary action were taken with regard to the demolition of the front façade, which has been erected. Relevant photographs have been handed up in the Court today and the same are taken on record. The said photographs are reproduced as under:-

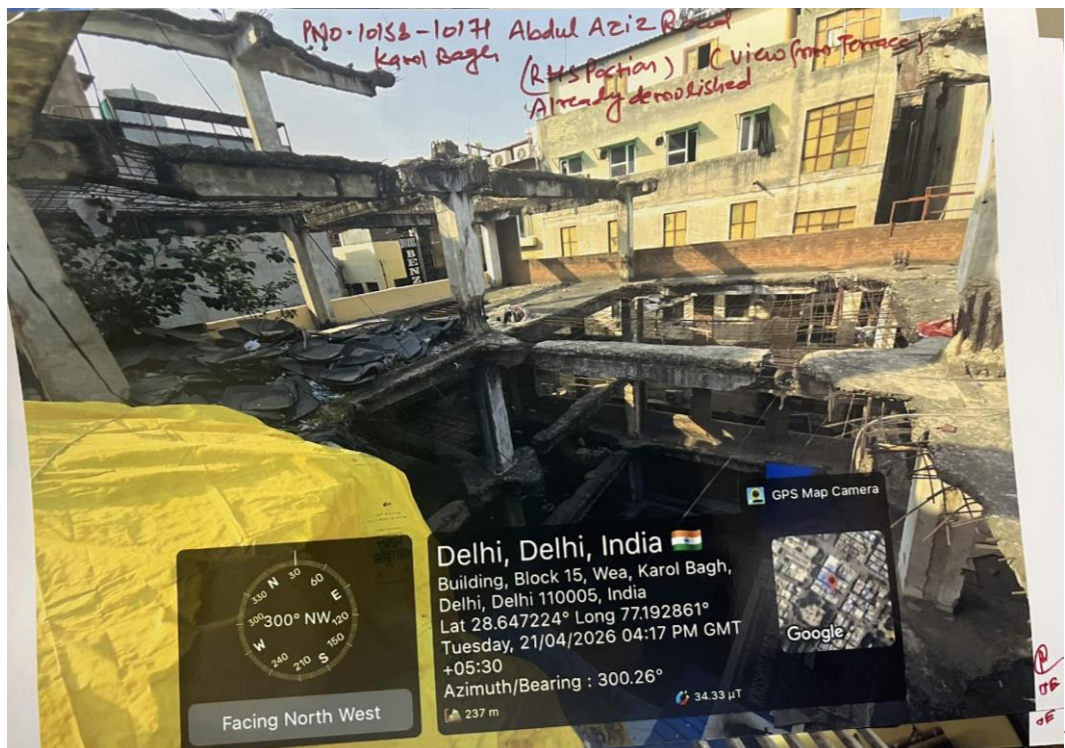
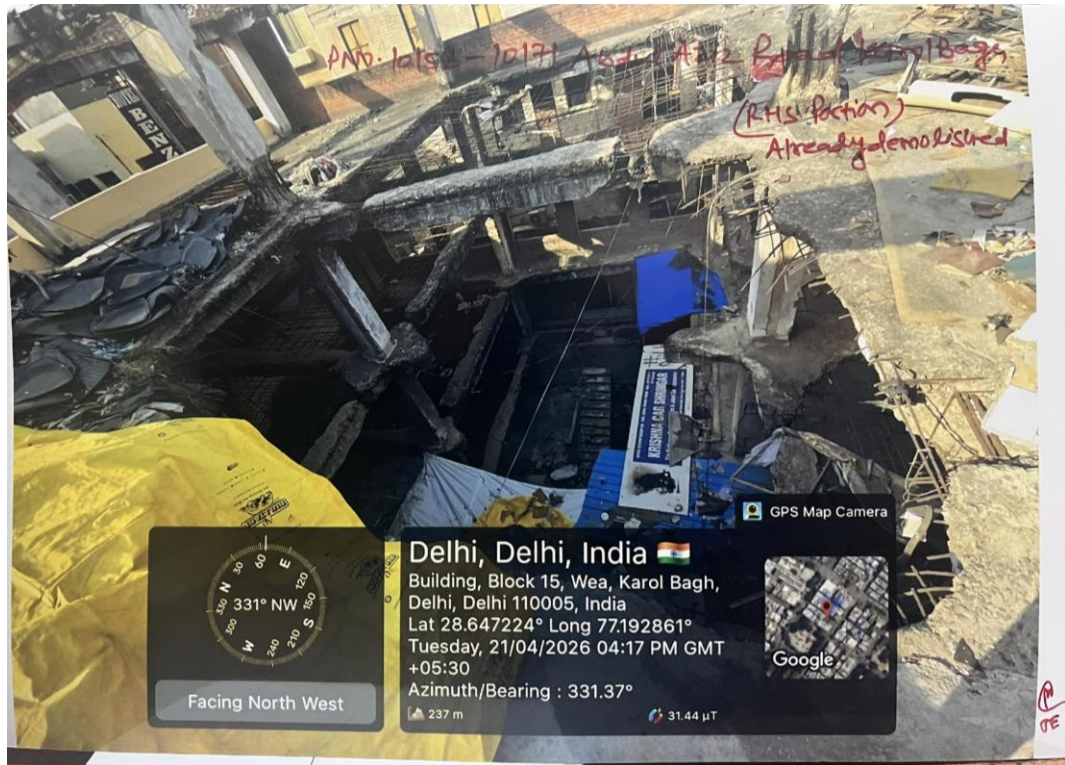




This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 27/04/2026 at 11:32:31



6. Learned counsel appearing on behalf of the MCD submits that there are certain shops in the basement floor, ground floor and first floor as well which



are protected by The Delhi Laws (Special Provisions) Act, 2006 and the moratorium with respect to the same is till 31.12.2026. It is submitted that on the lifting of the said moratorium, necessary action shall be taken against the said shops.

7. In view of the above, no further orders are called for.
8. The present petition is disposed of.
9. Pending application(s), if any, also stand disposed of.
10. Needless to state that the concerned Department shall take necessary action as and when any illegal constructions are noticed or so reported to the department.
11. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 23, 2026/sn/ah