



2026:DHC:3641



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 25.04.2026**+ **CONT.CAS(C) 1500/2024**

NASEEMUDDIN

.....Petitioner

Through: Ms. Sana Anasari, Mr. I. Ahmed, Mr.
Tanveer Zaki, Advs.

versus

SH. ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, SC and Ms.
Madhu Yadav, Ms. Sneha Roy,
Advs., MCD.
Mr. Niraj Kumar, Sr. Central Govt.
Counsel for R-3/Delhi Police.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

The matter is taken up today in view of Notification No.64/G-4/Genl.-I/DHC dated 27.02.2026.

1. The present petition has been filed by the petitioner alleging wilful disobedience of the order dated 28.10.2022, passed in W.P.(C) 3506/2018.
2. An updated status report has been filed on behalf of the Municipal Corporation of Delhi (MCD), wherein it has been stated as under:

“3. That it is respectfully submitted that the demolition order dated 12.07.2019 in respect ground floor and first floor of P.No. 1040, Phatak Mufti Walan, Darya Ganj, Delhi 110002 was passed which was challenged by the Smt. Husan Bano vide appeal no.440/2019 titled as Husan Bano Vs. NDMC, wherein vide order dated 23.02.2024 protection under special laws was given to the ground floor of the subject property but appeal was dismissed qua first floor of the property. Against the said order dated 23.02.2024 the appellant filed an appeal bearing no.5/2024 titled as Husan Bano Vs. MCD before the



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*District Judge, Tis Hazari, Delhi. The appeal is still pending for adjudication before the Hon'ble Court wherein in the next date of hearing 29.10.2025. A copy of order dated 22.09.2025 is annexed herewith as **Annexure-A**.*

*4. That it is submitted that in execution of demolition programmes were fixed in respect of first floor of the property on 03.02.2021, 22.02.2021, 03.03.2021, but the same were not executed due to shortage of time. Further programme was fixed on 20.09.2024 wherein roof of one room at first floor was demolished partly. Further in continuation thereof a demolition programme was further fixed on 26.09.2025 but could not be executed due to shortage of time. Another programme was fixed on 09.10.2025 wherein the property was found locked as such no action was taken. Accordingly, a notice under section 435 of the DMC Act was issued to the owner/occupier directing that no such lock or barrier may be put on the premises otherwise lock shall be broken on the spot without any further notice. Further, in the demolition programme fixed on 15.10.2025 the property was found unlocked accordingly, complete roof and partition wall of the first floor was demolished and the property is made inhabitable. Photographs showing the action taken on 15.10.2025 are annexed herewith as **Annexure-B (Colly)**.*

*5. That it is submitted that a watch and ward letter dated 15.10.2025 was issued to the SHO P.S. Darya Ganj to keep strict watch and ward over the demolished portion so that further construction could not take place. A copy of watch and ward letter dated 15.10.2025 is annexed herewith as **Annexure-C**."*

3. However, learned counsel for the petitioner seeks to rely upon some photographs, produced during the course of hearing to contend that unauthorized construction continues to subsist.

4. In the circumstances, it is directed that the first floor of the property, which is the subject matter of order dated 23.02.2024 passed by the ATMC in Appeal No. 440/2019 shall once again be inspected by the MCD in the presence of the petitioner.



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5. In case any unauthorized construction is found, appropriate demolition action shall be taken by the MCD in accordance with law, and shall be taken to its logical conclusion in respect of the entire subsisting unauthorized construction, within a period of eight weeks of the said inspection.
6. The concerned SHO will provide appropriate assistance to the MCD for the purpose of the demolition.
7. Mr. Mukesh Gupta, learned Standing Counsel appearing for MCD assures that the requisite action in accordance with law shall be taken and there shall be no disobedience thereof with the aforesaid directions.
8. In the circumstances, accepting the submissions of Mr. Mukesh Gupta, learned Standing Counsel, no further orders are being passed in the present petition. The same is, accordingly, disposed of.
9. Let a compliance affidavit be filed by the MCD after requisite action is taken. Let the same be filed within a period of eight weeks from today.
10. The concerned SHO is also required to file a compliance affidavit within a period of eight weeks from today.
11. List for reporting compliance on 17.09.2026.

SACHIN DATTA, J

APRIL25, 2026/cl