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

% **Date of Decision: 08.09.2025**

+ W.P.(C) 13714/2025

AMIT CHAKRABORTY

.....Petitioner

Through: Ms. Parul Agarwal, Advocate  
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versus

MUNICIPAL CORPORATION OF DELHI .....Respondent

Through: Mr. Rohit Kathuria, Advocate for  
MCD  
Mob: 9717948948  
Email: [a.d.kathuria@gmail.com](mailto:a.d.kathuria@gmail.com)  
Mr. Abhinav Singh, Advocate  
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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (ORAL)**

1. The present writ petition has been filed seeking directions to the respondent – Municipal Corporation of Delhi (“MCD”) to not execute the Demolition Order dated 06<sup>th</sup> December, 2022, and the Sealing Order dated 21<sup>st</sup> December, 2022, till the appeal is heard by the Appellate Tribunal MCD (“ATMCD”).
2. Learned counsel appearing for the petitioner submits that the petitioner is the lawful and exclusive owner of the property no. *G-1 (New No. G-1C), G Block, Laxmi Nagar, Delhi-110092*, which comprises of two plots of 100 sq. yds. each.
3. It is submitted that the petitioner was granted sanction, and permitted



to construct the basement, ground floor, first floor, second floor and third floor in the property in question.

4. It is submitted that subsequently a Show Cause Notice was issued by the MCD, pursuant to which a Demolition Order dated 06<sup>th</sup> December, 2022, was issued, which was followed by a Sealing Order dated 21<sup>st</sup> December, 2022.

5. It is submitted that though the petitioner had been granted a Completion-cum-Occupancy Certificate, however, the same was revoked subsequently by the MCD on 08<sup>th</sup> April, 2025.

6. She further submits that the petitioner has already filed appeals before the ATMCD against the Demolition Order, Sealing Order, as well as against the revocation of the Completion-cum-Occupancy Certificate of the petitioner.

7. It is submitted that the next date before the ATMCD is 10<sup>th</sup> September, 2025. In view of the fact that there is no Presiding Officer in the ATMCD, the present petition has been filed, since the respondent-MCD has issued a Vacation Notice under Section 349 of the Delhi Municipal Corporation Act, 1957 (“DMC Act”), on 28<sup>th</sup> August, 2025.

8. *Per contra*, learned counsel appearing for the respondent-MCD submits that the Demolition Order was passed way back on 06<sup>th</sup> December, 2022. He further submits that sealing action has been taken by the MCD with respect to the shops existing in the property in question. However, the MCD found that the said seals were tampered time and again.

9. He submits that the building plan of the property in question had been sanctioned earlier on 23<sup>rd</sup> April, 2021 and 07<sup>th</sup> May, 2021.

10. Subsequently, unauthorized construction/deviations from basement onwards were noticed in the property in question, pursuant to which a Show



Cause Notice dated 17<sup>th</sup> November, 2022, was issued. Thus, subsequently after following the due process of law, the Demolition Order was passed on 19<sup>th</sup> December, 2022.

11. It is noted that as per as per the Demolition Order on record, the date of the said order is 6<sup>th</sup> December, 2022, however, as per the Status Report of MCD, the date of Demolition Order is 19<sup>th</sup> December, 2022. Nevertheless, pursuant to the Demolition Order, further action was taken on behalf of the MCD.

12. Learned counsel for the respondent-MCD submits that subsequently, a Sealing Show Cause Notice was issued on 14<sup>th</sup> December, 2022, and a Sealing Order dated 21<sup>st</sup> December, 2022, was passed.

13. Thereafter, sealing action was taken by the department in the property in question on 11<sup>th</sup> January, 2023, and the property in question was sealed at 03 points at the basement, 14 points at the ground floor and one point at the staircase at the entrance of the ground floor, in the presence of police from the Police Station Laxmi Nagar, Delhi.

14. It is submitted that subsequently, the petitioner herein filed an appeal, i.e., *Appeal No. 24/2023* before the ATMCD against the Demolition Order. However, the said appeal was dismissed as withdrawn *vide* order dated 20<sup>th</sup> September, 2023.

15. It is submitted that demolition action was taken against the unauthorized construction in the property in question on 19<sup>th</sup> December, 2023, wherein, one RCC panel was cut down and two walls were punctured. Further, sealing action was also taken at the third floor and the ground floor of the property in question at 12 points.

16. However, subsequently when the property in question was inspected on 03<sup>rd</sup> September, 2024, it was found that the seal had been tampered by



the petitioner herein, which led to lodging of an FIR by the MCD against the petitioner.

17. Learned counsel appearing for the respondent further submits that the Vacation Notice dated 04<sup>th</sup> September, 2024 under Section 349 of the DMC Act, has been served upon the petitioner earlier, with the direction to vacate the property in question within 24 hours.

18. It is submitted that action was again taken on 11<sup>th</sup> September, 2024, wherein 08 shops at the ground floor of the property in question were sealed at 11 points.

19. Further action was also taken on 25<sup>th</sup> September, 2024, wherein, shops in the basement at 03 points, and 03 shops at the ground floor at 03 points were re-sealed in the presence of the police.

20. It is submitted that sealing action was also taken on 20<sup>th</sup> March, 2025, wherein, 03 shops in the basement were re-sealed at 03 points, and 08 shops at the ground floor were re-sealed at 11 points.

21. It is submitted that considering the unauthorized construction and the tampering of the seal by the petitioner time and again, the department revoked the Completion-cum-Occupancy Certificate on 08<sup>th</sup> April, 2025, after following the due process of law.

22. It is submitted that further action is also required to be taken against the property in question.

23. Having heard learned counsels appearing for the parties, this Court notes the submission made by learned counsel appearing for the MCD.

24. Learned counsel appearing for the MCD has handed over a copy of the Status Report, which is taken on record.

25. The relevant portions of the Status Report, are reproduced as under:

“xxx xxx xxx



3. That, it has been informed that

- i. The building plan of property bearing no G-1, New, G1C, G-Block, Laxmi Nagar, Delhi-110092 was sanctioned under "SARAL Scheme" of UBBL-2016 in favour of Mr. Amit Chakarborty on 23.04.2021 along with building permit fees amounting to Rs. 1,28,274/- for constructing Basement, Ground Floor, First Floor, Second Floor & Third Floor in a plot area of 83.61 Sqm through online module vide request ID No 10087458.
- ii. Another building plan of property bearing no G-1, G-Block, Laxmi Nagar, Delhi-110092 was sanctioned under "SARAL Scheme" of UBBL-2016 in favour of Mr. Amit Chakarborty on 07.05.2021 along with building permit fees amounting to Rs. 1,28,274/- for constructing Basement, Ground Floor, First Floor, Second Floor & Third Floor in a plot area of 83.61 Sqm through online module vide request ID No 10087344.
- iii. The unauthorized construction/deviations from Basement to against above cited sanctioned obtained under 'Saral Scheme' was booked vide booking file No. 172/B/UC/SS/022 dated 17.11.2022. Show cause notice dated 17.11.2022 u/s 344 (1) & 343 of DMC Act, 1957 was served upon Mr. Amit Chakaroborty/Owner/Occupier/Builder.
- iv. Subsequently, demolition notice u/s 343 of DMC Act, 1957 was also served upon Mr. Amit Chakaroborty/Owner/Occupier/Builder with direction to demolish the above unauthorized construction within a period of 06 days. Mr. Amit Chakaroborty/ Owner/Occupier/Builder neither submitted the reply of the Notice (s) nor demolished / removed the unauthorized construction. After following the due process of law, Demolition Order was passed on 19.12.2022.
- v. Sealing Show Cause Notice u/s 345 A, of the DMC Act, 1957 was served upon the Owner vide No. EE/B-II/Shd./S/2022/D-1058 dated 14.12.2022. No reply was received from the Owner and Sealing Order had been passed on 21.12.2022.
- vi. Pursuant to the demolition & sealing orders, the department has fixed the demolition/sealing action against the impugned



property on 22.12.2022 & 30.12.2022 but same could not be executed due to non-availability of police force.

- vii. Sealing/demolition action was fixed for 11.01.2023 and same was executed wherein property was sealed at 03 points at basement, 14 points at ground floor and one point at staircase entrance at ground floor, in the presence of police force from P.S. Laxmi Nagar, Delhi.
- viii. The department again attempted to execute demolition/sealing action against the impugned property on 12.07.2023 & 27.09.2023 but the same could not be taken since the Police Authority unable to provide police force.
- ix. It is imperative to mentioned here that Sh. Amit Chakarborty filed an appeal vide No. 24/2023 before Appellate Tribunal, MCD against demolition order passed by the Respondent/MCD against the property under reference. Ld. Tribunal MCD vide its order dated 20.09.2023 disposed of the instant appeal in light of the appeal is dismissed as withdrawn.
- x. Further department scheduled demolition/sealing action on 19.12.2023, wherein one RCC panel was cut down and 2 nos. of walls were punctured and sealing action was taken at Third Floor and Ground Floor via 12 points in the presence of Police Force of concerned PS – Laxmi Nagar, Delhi.
- xi. Junior Engineer concerned carried out inspection of the property under reference on 03.09.2024 and it was reported that the seal affixed by the department has been tampered with. Therefore, letter from Dy. Commissioner, SSZ, MCD has been sent to SHO, PS – Laxmi Nagar, Delhi for lodging FIR against Owner / Builder / Occupier /Sh. Amit Chakarborty



vide letter No. EE (B)-II/Shah (S) /2024/D-862 dated 04.09.2024.

- xii. Further a vacation Notice dated 04.09.2024 u/s 349 of the Act has been served upon Owner / Builder / Occupier /Sh. Amit Chakarborty to vacate the premises within 24 hours of the receipt. Copy of the same has also been forwarded to SHO, PS – Laxmi Nagar, Delhi with the request to get premises vacated, if the same is not vacated within the stipulated time.
- xiii. Demolition/sealing action was scheduled on 11.09.2024, wherein 08 numbers of shops at Ground Floor have been sealed via 11 points in presence of police force.
- xiv. Another demolition/sealing action has been scheduled for 25.09.2024 wherein Shops at Basement via three points and 03 shops via three points at Ground Floor were re-sealed in the presence of police force PS - Laxmi Nagar, Delhi. Simultaneously, a request letter vide No. EE (B)- II/Shah (S)/2024/D-1398 dated 28.11.2024 has been served in the office Station House Office, PS – Laxmi Nagar, Delhi regarding lodging of FIR for breaking seal under section 188 IPC r/w 343, 344 & 345-A of DMC Act, 1957 for committing criminal offence against Sh. Amit Chakarborty/ Owner/Occupier/Builder.
- xv. It is also to submit that a letter dated 03.03.2025 from Police Authority, PS – Laxmi Nagar, Delhi has been received wherein permission u/s 215 BNSS to prosecute the accused has been sought.
- xvi. The department further executed sealing action on 20.03.2025 wherein 03 shops at Basement via 03 points was re-sealed and



08 numbers of shops at Ground Floor via 11 points were re-sealed in the presence of Police force from concerned Police Station – Laxmi Nagar, Delhi.

- xvii. Since the owner (s) obtained the Completion – Cum – Occupancy Certificate under Saral Scheme in contravention of Unified Building Bye- Laws, 2016, the department revoked the impugned Completion Certificates on 08.04.2025 after following due process of law.
  - xviii. The department further intended to execute demolition/sealing order on 17.04.2025, 23.04.2025 & 29.04.2025 but the same could not be executed either on account of no force or shortage of time.
  - xix. In furtherance, the department again proposed action on 01.05.2025 but the same again could not be taken on account of no force. In the meanwhile, the owner/occupier again breached the provisions of DMC Act, by way of tampering the municipal seal, hence the department had already requested with concerned Station House Officer, PS – Laxmi Nagar, Delhi to proceed the violator in accordance with law as per BNSS.
  - xx. It is pertinent to mention here that three numbers of appeals vide No. 245/2025, 246/2025 & 247/2025 are pending before the Appellate Tribunal, MCD against the order of demolition, sealing and revocation of Completion Certificate respectively.
- / The matter is listed for 10.09.2025.

xxx xxx xxx”

26. Considering the fact that in the present case, the Demolition Order was passed way back in the year 2022, and the Sealing Order was also passed way back in the year 2022, and actions have been taken time and



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again, against the property of the petitioner, this Court finds no reason to grant any interim relief in favour of the petitioner.

27. Considering the aforesaid, no merit is found in the present petition, and the same is accordingly dismissed.

**MINI PUSHKARNA, J**

**SEPTEMBER 8, 2025**

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