



2025:DHC:9827



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

% **Date of Decision: 10th November, 2025**

+ W.P.(C) 11088/2024 & CM APPL. 45838/2024

SMT RAMA DEVI

.....Petitioner

Through: Mr. Vivek Kumar Tandon, Mr. Vipin Bhardwaj, Ms. Ritu Rajput, Ms. Laxmi Gupta and Ms. Pooja Giri, Advs., along with petitioner in person.

Mob: 9810277733

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Siddhant Nath, SC for MCD with Mr. Bhavishya Makhija and Mr. Amaan Khan, Advs.

Mob: 9910870397

Mr. Tushar Sannu and Ms. Aqsa, Advs. for R-DDA

Mob: 9911991166

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+ W.P.(C) 11683/2024 & CM APPL. 48544/2024

SUKANYA TIWARI

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Tushar Sannu and Ms. Aqsa, Advs. for R-STF

Mob: 9911991166

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Mr. Harsh Kumar, SPC-UOI

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Mr. Siddhant Nath, SC for MCD with
Mr. Bhavishya Makhija and Mr.
Amaan Khan, Advs.

Mob: 9910870397

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Ms. Sweety Singh, Advocate for
GNCTD.

Mr. Puneet Yadav, Advocate for
Respondent-MCD

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. W.P.(C) 11088/2024 has been filed seeking directions to set aside the operation of the Show Cause Notice and Demolition Order dated 29th July, 2024 passed by the Municipal Corporation of Delhi ("MCD") under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), as well as the Show Cause Notice dated 30th July, 2024 under Section 345-A of the DMC Act, passed with respect to the property bearing No. F-327, Prince Colony, Hari Nagar, Badarpur, New Delhi-110044.
2. A Status Report has been filed on behalf of the MCD, relevant portions of which, read as under:

"xxx xxx xxx

3. That by filing the instant writ petition, the petitioner has assailed demolition order passed by the answering respondent against unauthorized construction carried out at subject property having address-327, Prince Colony Hari Nagar, New Delhi. It is most respectfully that subject property falls in unauthorized colony, which

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is also part of Zone-O where construction activity is not permissible. As per record, on 17/10/2023, unauthorized construction of second floor came to the notice over the old existing structure comprised of ground and first floor. The answering respondent initiated demolition proceedings u/s 343/344 of the DMC Act against said unauthorized construction of second floor vide File No. 278/B/UC/EE(B)-II/CNZ/2023 dated 17/10/2023. This was followed by Work Stop Notice dated 25/10/2023 to SHO/PS-Jaitpur for getting the construction work stopped, to seize the construction material, tools and plant and to disperse the workforce engaged in the construction Activity. Copy of work stop notice dated 25/10/2023 is annexed herewith as Annexure-A. The competent authority after following due process of law passed demolition order on 25/10/2023. Copy of demolition order 25/10/2023 is annexed herewith as Annexure-B.

4. That on 22/07/2024, further ongoing unauthorized construction at third floor came to the notice. The answering respondent got the construction work stopped. However, despite utmost efforts by the answering respondent to prevent unauthorized construction at third floor, the owner did not stop construction work and raised third floor. The answering respondent carried out demolition action at ongoing stage on 29/07/2024 and demolished two panels of RCC roof of third floor and further initiated demolition proceedings u/s 343/344 of the DMC Act against said unauthorized construction of third floor vide File No. 171/B/UC/EE(B)-II/CNZ/2024 dated 29/07/2024. Photographs showing the demolition of structure are annexed herewith as Annexure-C. This was followed by watch & ward letter bearing No. D/123/AE(Bldg.)-I/Central Zone-2024 dated 29/07/2024 issued to SHO/PS-Jaitpur for necessary instruction to patrolling team to keep a



watch on subject property so that owner may not be able to restore the demolished structure. Copy of watch and ward letter is annexed herewith as Annexure-D. The answering respondent has also referred the case to Delhi Jal Board and BSES Rajdhani Pvt. Limited for disconnection of Water and Electricity connection of subject property. In this regard, copy of letter No. D/124/AE(Bldg.)-I/Central Zone-2024 dated 29/07/2024 is annexed herewith as Annexure-E. On 30/07/2024, answering respondent has also initiated sealing proceedings against unauthorized construction of second and third floor. However, further proceedings have been kept in abeyance in view of stay granted by this Hon'ble Court vide order dated 09/08/2024.

5. That it is most respectfully submitted that the answering respondent is taking necessary action qua the writ property by following due process of law in terms of the provisions of DMC Act 1957. If the petitioner herein is aggrieved of the actions as initiated by the respondent, the alternative and efficacious remedy as available to the petitioners is to approach Hon'ble ATMCD by way of appeal under Section 347 B of the DMC Act. The instant petition is not tenable in view of provision contained in section 347-E of DMC Act, 1957. It is further submitted that vide Notification dated 07/08/2024, Government of NCT of Delhi has already appointed the Presiding Officer of the Appellate Tribunal, MCD for a period of one year and the Appellate Tribunal is functioning. A true copy of Notification dated 07/08/2024 issued by Government of NCT of Delhi thereby appointing the Presiding Officer of the Appellate Tribunal, MCD is annexed herewith as Annexure-F.



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6. That unauthorized construction carried out at subject property is subject matter of writ petition No. 11683/2024 title "Sukanya Tiwari V/s Delhi Municipal Corporation & Others", which is yet to be listed for hearing before Hon'ble High Court.

3. Perusal of the aforesaid Status Report clearly shows that pursuant to a Demolition Order dated 25th October, 2023, demolition action has been taken by the MCD on 29th July, 2024.
4. This Court notes that the Demolition Order as well as the Sealing Order passed by the MCD, are appealable under Section 347B of the DMC Act, before the Appellate Tribunal MCD ("ATMCD").
5. Accordingly, in case the petitioner is aggrieved by the Demolition/Sealing Order having been passed by the MCD, the petitioner is at liberty to seek remedies, in accordance with law.
6. Accordingly, it is directed that no coercive action shall be taken by the MCD against the property of the petitioner for a period of six weeks, in order to allow the petitioner to file an appeal before the ATMCD.
7. All the rights and contentions of the parties are left open.
8. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD, on its own merits.
9. W.P.(C) 11683/2024 has been filed for taking action against the illegal and unauthorized construction in the property bearing No. F-327, Prince Colony, Hari Nagar, Badarpur, New Delhi-110044.
10. In terms of the Status Report of MCD and as noted hereinabove, partial action has already been taken by the MCD against the unauthorized construction existing in the property in question.



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11. Further, this Court has already granted liberty to the owner/occupier of the said property to approach the ATMCD.
12. Accordingly, noting the aforesaid, the present writ petitions, along with the pending applications, are disposed of.

NOVEMBER 10, 2025/au

MINI PUSHKARNA, J