



2025:DHC:9189



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

% **Date of Decision: 13th October, 2025**

+ W.P.(C) 15713/2025, CM APPL. 64324/2025 & CM APPL.
64325/2025

HASHIM ALI KHAN

.....Petitioner

Through: Mr. Himat Akhtar, Mr. Juned
Salmani, Ms. Rehana, Ms. Ismile
Khan, Advs. (Through VC)
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versus

PARVEEN KUMAR AND ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, SPC for R-
UOI (Through VC)
Mr. Harshit Chopra and Ms. Naziya
Mohammad, Advs. for R-2 & 3
(Through VC)
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Mr. Sharique Hussain and Mr. Rishab
Raj Jain, Advs. for R-4
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Mr. Anil Sharma, Mr. Aman
Bhardwaj, Mr. Arpit Sharma, Mr.
Tushar Kaushik and Ms. Kusum,
Advs. for R-6
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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 restrain the respondent no. 1 from dispossessing the petitioner from *Plot No. B-371, part of Khasra No. 51/12/1, Village Karawal Nagar, Illaqa Shahdara, Delhi-110094*, without following the due process of law.
2. Learned counsel appearing for the petitioner submits that respondent no. 6 has already filed a civil suit for possession against the petitioner and that he apprehends that he would be dispossessed of the property in question, without following any process of law.
3. Responding to the present writ petition, learned counsel appearing for the Municipal Corporation of Delhi ("MCD"), draws the attention of this Court to an earlier writ petition being *W.P.(C) 14508/2025*, titled as "*Mohd. Asif Versus Mr. Parveen Kumar & Ors.*" which was filed with respect to the property in question, and was disposed of *vide* order dated 18th September, 2025.
4. He, thus, submits that pursuant to the directions therein, the unauthorized construction in the property in question has already been demolished by the MCD, and that there is no unauthorized construction currently existing in the property in question.
5. Learned counsel appearing for respondent no. 6 submits that he had already filed a suit for possession against the petitioner herein, and that the requisite orders shall be pressed by the respondent no. 6, in the said suit filed by the respondent no. 6.
6. Having heard learned counsels appearing for the parties, this Court



notes that *vide* order dated 18th September, 2025, in *W.P.(C) 14508/2025*, titled as “*Mohd. Asif Versus Mr. Parveen Kumar & Ors.*”, this Court has already granted liberty to the petitioner herein to seek his remedies, in accordance with law, in case, the petitioner herein is aggrieved by any action taken by the MCD.

7. Thus, in case, the petitioner is aggrieved by the action taken by the MCD, against the unauthorized construction in the property in question, the petitioner is at liberty to approach the Appellate Tribunal MCD (“ATMCD”), by filing a statutory appeal in terms of the Delhi Municipal Corporation Act, 1957 (“DMC Act”).

8. This Court further notes that respondent no. 6 has already filed a suit for possession against the petitioner herein. Needless to state, the petitioner herein shall not be dispossessed, without following the due process of law.

9. Further, it is directed that the petitioner shall carry out further construction in the property in question, only after taking due permission from the MCD.

10. Noting the aforesaid, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 13, 2025/SK