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

% **Date of Decision: 15th September, 2025**

+ W.P.(C) 13524/2025 & CM APPL. 55477/2025

SATISH KUMAR & ANR.

.....Petitioners

Through: Mr. Aditya Raj and Mr. Pratham
Diwakar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondents

Through: Ms. Arti Bansal, ASC with Ms. Shruti
Goel, Adv. for MCD
Mr. Sahil Munjal, SPC with Ms. Rhea
Gandhi, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions to the respondents to not interfere with the possession of the petitioners, and directing them not to undertake any further demolition action *qua* the property of the petitioners, situated at A-4, *Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi-110030*.
2. The present writ petition has been filed on the ground that the petitioners have never even received any Show Cause Notice issued by the respondent no.1-Municipal Corporation of Delhi ("MCD").
3. *Per contra*, learned counsel appearing for the MCD vehemently disputes the aforesaid statement made by the learned counsel appearing for the petitioners.
4. Learned counsel appearing for the respondent no.1-MCD has handed



over a copy of the Status Report dated 12th September 2025, which is taken on record.

5. As per the said Status Report, requisite action has been taken by the MCD with respect to the unauthorized construction existing in the property in question. The relevant portions of the said Status Report, read as under:

“xxx xxx xxx

4. That so as to ascertain the status of the subject property i.e. bearing No. A-4, Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi, the same has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the aforementioned subject property has been identified as Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi. The details of the action as initiated / taken by the department is detailed herein below:

- i) As per record, this property is booked for unauthorized construction vide U/c file No. 509/UC/B-II/SZ/2024 dated 20/12/2024 in the shape of Stilt, Ground floor, First Floor, Second floor, Third floor and Fourth floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law the necessary demolition order has also been passed by the Competent Authority i.e. Assistant Engineer (Bldg)-II of South Zone – MCD vide dated 08/01/2025. Copy of demolition order is annexed herewith as **Annexure – A.**





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- ii) Furthermore, a letter dated 26/12/2024 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Mehrauli, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure – B.**
- iii) Besides this, a letter for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities vide dated 26/12/2024. Copy of the said letter is annexed herewith as **Annexure – C.**
- iv) Moreover, a letter dated 26/12/2024 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter is also annexed herewith as **Annexure – D.**
- v) Furthermore, it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and after following due process of law, the necessary sealing order has also been passed by the Competent Authority i.e. the Dy. Commissioner of South Zone / MCD vide dated 03/02/2025. Copy of sealing order is annexed herewith as **Annexure – E.**
- vi) Pursuant to demolition / sealing orders already passed in respect of this property, the Building





Department-II of South Zone / MCD has also tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action taken
1.	23/01/2025 and 10/02/2025	Action could not be taken due to non availability of police force.
2.	07/03/2025	Action could not be taken due to shortage of time.
3.	26/03/2025, 08/04/2025 and 11/04/2025	Action could not be taken due to non availability of police force.
4.	02/05/2025	Upon availability of police force, the property has been sealed by sealing 01 point at Stilt at staircase.
5.	08/08/2025 & 13/08/2025	Action could not be taken due to non availability of police force.
6.	26/08/2025	On the instance of tampering of seals affixed by the





		department on 02/05/2025 were found tampered with. Taking immediate note of the same, the necessary proceedings for lodging of an FIR has been initiated against the violators / offenders.
7.	08/09/2025	So as to take further necessary demolition / sealing action, a Vacation Notice u/s 349 of DMC Act – 1957 has been issued to the owner / occupier of the subject property and the same has also been endorsed to concerned, SHO PS Mehrauli, New Delhi with the request to get the impugned property / portion vacated.
8.	04/09/2025	Upon availability of



		police force, 01 big size RCC panel / balcony projection at roof of Ground floor, 01 big size RCC panel at Fourth floor and 01 RCC panel at mumty / part construction above Fourth floor have been demolished and reinforcement cut down with the help of gas cutter. Beside this, 01 flat has also been sealed at Fourth floor.
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The photographs taken during the aforementioned demolition / sealing action alongwith copy of Vacation Notice are also annexed herewith as **Annexure – F (Colly)**.

- vii) After taking the aforementioned demolition / sealing action, letters dated 07/05/2025 and 11/09/2025 have also been sent to concerned SHO, PS Mehrauli, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / reconstructed and the seals affixed by the



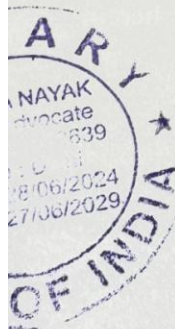


department may not be tampered with. Copy of the said letters are also annexed herewith as

Annexure – G (Colly).

viii) Further, during the recent inspection as carried out by the area field staff of Building Department II of South Zone – MCD, the seals affixed by the department on 02/05/2025 were found tampered with. Taking immediate note of the same, the necessary proceedings for lodging of an FIR has been initiated against the violators / offenders.

5. That the department has now fixed the further action programme in respect of the subject property for 17/09/2025 which will be taken / carried out upon availability of police force.
6. That further, it is also relevant to state here that in respect of the subject property, a Writ Petition bearing WPC No. 481/2025 titled as "*Sudhakar Bhatnagar VS MCD & Ors.*" was filed before this Hon'ble Court and the same was disposed of vide order dated 15/01/2025 in terms of the directions contained therein.
7. That further, subsequently, another Writ Petition bearing WPC No. 2779/2025 titled as "*Sudhakar Bhatnagar VS MCD & Ors.*" was also filed in respect of the subject property, which was also disposed of by this Hon'ble Court vide its order dated 05/03/2025 in terms of the directions contained therein. The direction as passed vide order dated 15/01/2025 in WPC No. 481/2025 and vide order dated 05/03/2025 in WPC No.





2779/2025 have also been detailed by this Hon'ble Court in its order dated 03/09/2025 passed in the instant Writ Petition.

8. That further, during the course of the proceedings as held on 03/09/2025, this Hon'ble Court has also been apprised about the order dated 28/08/2025 passed in Cont. Cas (C) No. 702/2025 titled as "*Sudhakar Bhatnagar & Anr. VS MCD & Ors.*" wherein the next date of hearing is 10/10/2025.
9. That as can be observed from the above, that the answering Respondent – MCD is taking necessary action in respect of the subject property after following the due procedure of law and in pursuance to the directions passed by this Hon'ble Court in the above referred Writ Petitions and Contempt Petition which is pending disposal and is now listed 10/10/2025 in terms of the order dated 28/08/2025 passed therein.
10. That moreover, it is also relevant to state herein that as also observed by this Hon'ble Court, the petitioner No. 1 has purchased the property in question on 27/04/2025 much after the passing of the demolition order dated 08/01/2025, whereas, petitioner No. 2 has purchased the property on 03/08/2024. It is also relevant to state herein that both the petitioner have purchased property by way of Notarized Special Power of Attorney, Agreement to Sale, General Power Attorney, Indemnity Bond and Affidavit which cannot be considered as valid title documents, as per law.





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Moreover, it is also pointed out that even the SPA, Agreement to Sale, GPA and Will etc. pertaining to petitioner No. 1 are not even witnessed. Hence, in view of the same the petitioners herein have no locus to file the instant petition and sought the relief prayed for under article 226 of the Constitution of India.

11. That moreover, it is also pointed out that from the details of the demolition / sealing actions as given in para 4 (vi), it can be noticed that the department has taken / carried out one sealing action on 02/05/2025 in respect of the subject property and the said seal have been found tampered with and the petitioners have carried out further finishing construction work. Moreover, what prevented the petitioners herein to challenge the demolition / sealing orders before Hon'ble ATMCD at that relevant point of time is best known to them. Even till date, no appeal has been preferred before Hon'ble ATMCD by the petitioners. Hence, this clearly shows that the petitioners were well aware of the demolition / sealing proceedings as initiated by the department and also about the unauthorized construction carried out in the subject property. Considering the same and their conduct, the instant Writ Petition is liable to be dismissed on this very score itself.



12. That as can be observed from above, that the answering respondent – MCD is taking necessary action in respect of the subject property, by

following due process of law and in letter and spirit of the aforementioned orders passed by this Hon'ble Court.

xxx xxx xxx”

6. By referring to the aforesaid Status Report, learned counsel appearing



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for the respondent no.1-MCD submits that regular action is being taken against the unauthorized construction in the property in question. She draws the attention of this Court to the photographs attached along with the said Status Report, wherein, the action taken by the MCD is shown.

7. Two of the photographs, attached along with the Status Report, are reproduced as under:





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8. Learned counsel appearing for the respondent no.1-MCD, thus, submits that since there is rampant unauthorized construction in the property in question, requisite action has rightly been taken by the MCD.

9. *Per contra*, learned counsel appearing for the petitioners relies upon



the documents filed along with the Status Report of the MCD, which are the Demolition Order, Sealing Order and other letters pertaining thereto.

10. By referring to the said documents, learned counsel appearing for the petitioners submits that the Show Cause Notice/Demolition Order has been issued not against the property in question, but by mentioning the same as *Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi*.

11. Thus, it is submitted that the Show Cause Notice or Demolition Order have never been received by the petitioners and, the petitioners have the right to challenge the same.

12. Responding to the same, learned counsel appearing for the respondent no. 1-MCD submits that since the property in question is an unauthorized construction, therefore, the same has been mentioned in the aforesaid manner as *Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi*. The MCD officials have been able to identify the said property as the property of the petitioner, i.e., *A-4, Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi-110030*.

13. At this stage, learned counsel appearing for the petitioners submits that he only seeks the indulgence of this Court to the limited extent that the petitioners are allowed to approach the Appellate Tribunal, MCD (“ATMCD”) and file a statutory appeal thereto. He submits that the present writ petition has been filed since currently there is no Presiding Officer in the ATMCD.

14. Having heard learned counsels appearing for the parties, this Court notes that earlier, a writ petition being *W.P.(C) 2779/2025*, titled as “*Sudhakar Bhatnagar and Anr Versus Municipal Corporation of Delhi and Ors.*”, had been filed with respect to the property in question, i.e., *A-4*,



Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi-110030. The said writ petition was disposed of *vide* order dated 05th March, 2025, wherein, it was directed that the MCD shall continue to take action as per law. The order dated 05th March, 2025, in the aforesaid writ petition, reads as under:

“xxx xxx xxx

3. *This writ petition is preferred on behalf of Petitioners under Article 226 of Constitution of India seeking the following reliefs:-*

“a. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondents No.1 to 5 to take appropriate steps to immediately stop/ stay the illegal construction and demolish/remove the structure at the Property No. A-4, Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030;

b. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondents No.1 to 5 to submit a status report on the demolition order dated 8.01.2025 and there submission before the Hon’ble High Court vide order dated 15.01.2025.

c. Issue a Writ of Mandamus or any other Writ/order/direction thereby directing the respondent no. 6 to take immediate steps to disconnect the electricity meters.

d. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction in favour of petitioner and against the respondent no.1 to 6 thereby directing the respondent no.1 to 6 to demolish the illegal and unlawful existing structure of the building which was illegally constructed by the respondent no.4 & 5 and seal the said property i.e. Property No. A-4, Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030.”

4. *Learned counsel for Petitioners points out and rightly so to an earlier order passed by this Court on 15.01.2025 in W.P.(C) 481/2025 titled “Sudhakar Bhatnagar & Anr. V. Municipal Corporation of Delhi & Ors.”, where the Court had taken on record the stand of MCD that despite show cause notice, no response has been received from the owner/occupier of the subject property and that necessary action will be taken in accordance with law. However, no action has been taken till date.*



5. Issue notice.

6. Learned counsels, as above, accept notice on behalf of the respective Respondents.

7. Learned counsel for the Respondent No.1/MCD hands over a copy of the show cause notice dated 20.12.2024 calling upon the owner/builder of the property in question to file his response as to why demolition action be not taken as unauthorised construction/deviations from the sanctioned building plan were observed in the property from stilt upto the fourth floor but no response was received. Additionally, it is submitted that work stop notice was issued on 26.12.2024 to the SHO, PS: Mehrauli. Learned counsel also hands over a copy of the demolition order purportedly dated 08.01.2025 albeit the date is not clearly legible on the order of demolition. It is pointed out that demolition action was scheduled twice, on 23.01.2025 and 10.02.2025, however, due to lack of police force, the demolition could not be carried out. Documents to support the stand are also handed over in Court. All the documents are taken on record. Copies of the documents be supplied to learned counsels for the Petitioners and Delhi Police.

8. Learned counsel for MCD, on instructions, states that next demolition drive is now scheduled for 07.03.2025 and directions be issued to police to provide necessary police force so that demolition drive can be carried out.

9. Learned counsels for Delhi Police assure the Court that every possible assistance and police force will be provided to execute the demolition of the property. The stand is taken on record.

10. Needless to state, MCD will ensure that its actions are compliant with all applicable statutory provisions and Byelaws and the guidelines of the Supreme Court in **In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291**.

11. Writ petition stands disposed of along with pending application.

12. Needless to state, in case of any surviving/further grievance, Petitioners may take recourse to legal remedies.

13. This order is passed without prejudice to the rights and contentions of the owner/occupier of the subject property.”

(Emphasis Supplied)

15. Perusal of the aforesaid order shows that in the said writ petition, there is a clear mention of the property of the petitioner as A-4, Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi-110030. Further, perusal of



the order sheets as well as the prayer clause as reproduced in the aforesaid order, does not in any manner show that the owner/occupier of the property in question was even present when the said matter was taken up for hearing and directions were passed regarding action to be taken therein.

16. This Court takes note of the submission made by the learned counsel appearing for the petitioners herein that the petitioners were not aware of the earlier writ proceedings pending before this Court, and were also not aware of any order passed thereto.

17. This Court further takes note of the documents filed along with the Status Report of the MCD, wherein, the Demolition Order, purportedly with respect to the property of the petitioners, has been issued to the owner/occupier of the property being *Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi*. Thus, it is evident that the Demolition Order or any preceding Show Cause Notice, were not issued specifically mentioning the property of the petitioner, i.e., *A-4, Paryavaran Complex, IGNOU Road, Saidulajab, New Delhi-110030*, rather the said Notice/Demolition Order were issued at the address, shown as *Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi*.

18. This Court further records the submission made by the learned counsel appearing for the respondent no.1-MCD that the concerned officials of the MCD identified the property of the petitioner, which was described in their notice as *Opp. A-28, Paryavaran Complex, Near IGNOU Road, New Delhi*.

19. Be that as it may, it is evident that the Notice or Demolition Order issued by the MCD, were not to the petitioners or at the address of the petitioners.



20. This Court further takes note of the submission made by the learned counsel appearing for the petitioners that the present petition has been filed only for a limited protection, in order to allow the petitioners to approach the ATMCD.

21. Accordingly, this Court is of the view that the petitioners ought to be allowed to be heard in appeal before the ATMCD, in furtherance of the legal remedies which are available to the petitioners in accordance with the Delhi Municipal Corporation Act, 1957 (“DMC Act”).

22. Accordingly, the following directions are issued:

i. The petitioners are granted liberty to file an appeal before the ATMCD, within a period of two weeks, from today.

ii. No coercive action shall be taken against the petitioners for a period of two weeks, in order to allow the petitioners to file an appropriate appeal before the ATMCD.

iii. In case, at the time of filing of the appeal before the ATMCD, there is no Presiding Officer before the ATMCD, the interim protection granted by today’s order, shall extend to any date which is given before the ATMCD.

iv. In case, in the meanwhile, the Presiding Officer of the ATMCD takes charge, within two weeks of the Presiding Officer taking charge, the petitioners shall file an application before the ATMCD, for taking up their appeal for hearing.

23. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be considered and decided by the ATMCD on its merits.

24. Rights and contentions of all the parties are left open, and are to be



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decided in appropriate proceedings.

25. It is further clarified that the present order has been passed only with a view to allow the petitioners to avail their statutory remedies.

26. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 15, 2025/KR