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

% ***Date of Decision: 19th September, 2025***

\+ W.P.(C) 13237/2025 & CM APPL. 58991/2025, CM APPL. 58992/2025

RAGIB KHAN .....Petitioner

Through: None.

versus

COMMISSIONER MCD AND ORS. .....Respondents

Through: Mr. Siddhant Nath, SC for R-MCD with Mr. Bhavishya Makhija and Mr. Amaan Khan, Advs.
Mob: 9910870397
Email: siddhantadv.nath@gmail.com
Mr. Medhanshu Tripathi, Mr. Tushar Tokas, Ms. Arvinder Kaur and Ms. Aditi Singh, Advs. for R-6
Mob: 9350188064
Mr. Akashdeep, S.I., PS Jamia Nagar.
Mob: 8512076256

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\+ W.P.(C) 13636/2025 & CM APPL. 55873/2025, CM APPL. 58993/2025 & CM APPL. 58994/2025

NARESH KUMAR YADAV .....Petitioner

Through: Ms. Aishwarya Dobhal and Mr. Albar Qureshi, Advs.
Mob: 9557844741
Email: aishwarya@adaalegal.com

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS .....Respondents

Through: Ms. Saroj Bidawat, Standing Counsel

for R-MCD (Through VC)
Mr. Sanjeev Sabharwal, SPC for UOI
Mob: 9810031680
Email: solicitor6@gmail.com
Mr. Medhanshu Tripathi, Mr. Tushar Tokas, Ms. Arvinder Kaur and Ms. Aditi Singh, Advs. for R-2
Mob: 9350188064
Mr. Akashdeep, S.I., PS Jamia Nagar.
Mob: 8512076256

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J *(ORAL):*

1. The present writ petitions have been filed seeking directions to respondent nos. 1 to 5, to take action against the illegal and unauthorized construction being carried out at property bearing *no. F-13/10A, Sir Syed Road, Joga Bai Extension, Near Okhla, New Delhi-110025.*

2. This Court is informed that both the properties, in both the petitions are one and the same, despite the description of the property in *W.P.(C) 13636/2025*, being *F-13/1, Khasra No. 187, located at Joga Bai Extension, Sir Syed Road, Jamia Nagar, New Delhi-110025.*

3. Learned counsel appearing for Municipal Corporation of Delhi ("MCD") draws the attention of this Court to the Status Report dated 16th September, 2025 filed on behalf of the MCD, wherein, details of the action taken by the MCD against the unauthorized construction in question, is brought forthwith. The relevant portions of the Status Report filed on behalf of the MCD, are reproduced as under:

"xxx xxx xxx

3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone of MCD has inspected the same and also referred to record maintained in this office. The status of the actions as initiated/ taken against subject properties are detailed herein below:-

   i. During inspection by the concerned field staff subject property has been identified as Property Opposite f-15/03, Jogabai Extension, Batla House, Jamia Nagar, New Delhi. Photographs showing the present status of the property are annexed herewith as **Annexure: A**.

   ii. **Demolition Proceedings u/s 343/344 of the DMC Act**:- As per record, Property Opposite f-15/03, Jogabai Extension, Batla House, Jamia Nagar, New Delhi was initially booked u/s 343/344 of the DMC Act vide U/c file No. 242/B/UC/EE(B)-I/CNZ/2025 dated 05.06.2025 for the unauthorised construction in the shape of Ground Floor and accordingly, a Show Cause Notice u/s 344(1) and 343 of the DMC Act bearing printed No. 21297 dated 05.06.2025 was issued in the name of Owner/ Builder of the property with the directions to submit his reply within 15 days, as to why orders for demolition as required u/d 343 of the DMC Act should not be passed in respect of the unauthroised construction already carried out and the unauthrorised construction, if any carried out after the issuance of present Show Cause Notice. Further the

Owner/ Builder of the property was also requested to attend the personal hearing proceedings on 19.06.2025. Copy of Show Cause Notice dated 05.06.2025 is annexed herewith as **Annexure: B**.

iii. **Work stoppage letter u/s 344(2) of the DMC Act**:- Upon noticing the aforesaid unauthorized construction, a work letter u/s 344(2) of the DMC Act bearing No. D/161/AE(B)-I/CNZ/2025 dated 11.06.2025 was sent to the SHO, PS Shaheen Bagh with the request that unauthorised construction activity be stopped by the police immediately and workmen present in the premises be removed and construction material including the tools, machinery etc involved in the execution of the work may be seized forthwith, so that no further unauthorized construction can be carried out at the site. Copy of work stoppage letter dated 11.06.2025 as sent is annexed herewith as **Annexure: C**.

iv. **Demolitio Order**:- Inspite of directions issued vide Show Cause Noice dated 05.06.2025, neither the Owner/ Builder filed his reply nor attended the hearing proceedings on 19.06.2025, accordingly after following due process of law, necessary demolition order was passed on 30.06.2025. Before passing the demolition order, so as to ascertain factual position about the property, site was inspected, which revealed in-spite of initiation of aforesaid actions, Owner/ Builder of the property has carried further

unauthorised construction in the shape of First Floor and Second Floor. Accordingly, newly constructed floors i.e. First Floor and Second Floor were also added in the demolition order passed on 30.06.2025. Copy of demolition order dated 30.06.2025 is annexed herewith as **Annexure: D**.

v. **Further unauthorized construction:** During the inspection the concerned field staff on 08.08.2025, it was noticed that despite aforesaid actions, the Owner/ Builder of the property has carried further unauthorized construction in the shape of Third Floor and the same has also been booked u/s 343/344 of the DMC Act vide U/c file No. 332/B/UC/EE(B)-I/CNZ/2025 dated 08.08.2025. Accordingly, a Show Cause Notice u/s 344(1) & 343 of the DMC Act bearing printed No. 21438 dated 08.08.2025 of the DMC Act was also issued in the name of Owner/ Builder of the property. Copy of Show Cause Notice dated 08.08.2025 is annexed herewith as **Annexure: E**. Besides above, allied actions as issuance of work stoppage letter u/s 344(2) of the DMC Act and DJB, BSES and Sub-Registrar for disconnection of water & electricity supply and not to register this property under Indian Registration Act, 1908 were also taken. Copies of letters dated 12.08.2025 sent to SHO, PS Jamia Nagar, BSES, DJB & Sub-Registrar are annexed herewith as **Annexure: F (Colly)**.

4. That, pursuant to demolition order already stand passed, this answering respondent/ MCD has taken following action against subject property:-

Sr. No.	Date	Action Taken
1.	13.08.2025	During the course of action, upon availability of Police Force, 04 number of RCC panels were demolished at the roof of Ground Floor and reinforcement of these RCC panels were also cut with the help of gas cutter.
2.	30.08.2025	During the course of action, upon availability of Police Force, 02 numbers of RCC panels were demolished at roof of Ground Floor, 03 number of RCC panels were demolished at roof of first floor, 02 number of RCC panels were demolished at roof of Second Floor and reinforcement of these RCC panels were also cut with the help of gas cutter.
3.	01.09.2025	During the course of action, 02 number of RCC panels were demolished on the roof of Ground Floor, 03 panels were demolished on the roof of first floor and 03 number of panels were demolished at roof of Second Floor. Total 08 number of RCC panels were demolished and their reinforcement were cut down with the help of gas cutter.
4.	02.09.2025	During the course of action, upon availability of Police Force, 07

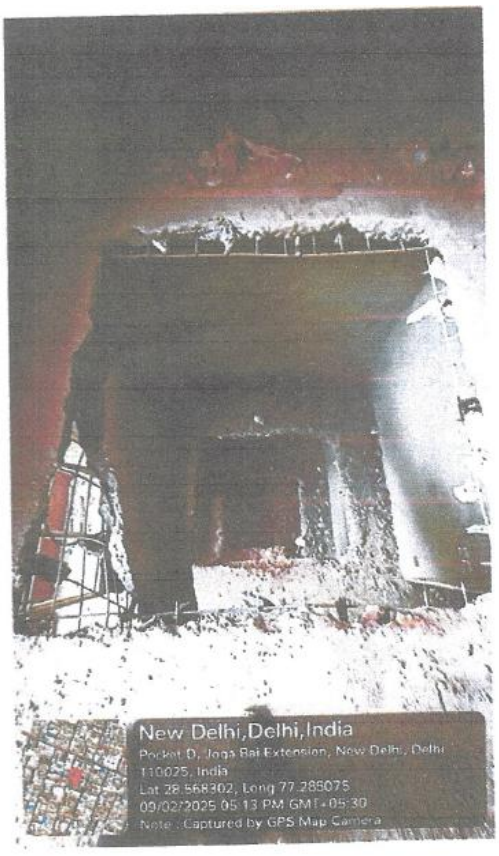
		numbers of RCC panels were demolished (03 at Ground Floor, 02 at First Floor and 02 at Second Floor). Reinforcement of these panels were also cut with the help of gas cutter.
5.	03.09.2025	During the course of action, 07 number of RCC panels were demolished (01 at Ground Floor roof, 02 at First Floor roof, 02 at Second Floor roof and 02 at Third Floor roof). Reinforcement of these panels were also cut down with the help of gas cutter.
6.	04.09.2025	During the course of action, upon availability of Police Force, 02 number of projections were demolished on Ground Floor roof, 01 brick wall was demolished at first floor, 02 number of RCC panels were demolished on third floor, 03 number of RCC panels were demolished on Second Floor roof. Reinforcement of these panels were cut down with the help of gas cutter.
7.	09.09.2025	During the course of action, upon availability of Police Force, 02 RCC panels were demolished at roof slab of fourth floor, 01, RCC panel was demolished at roof of third floor, 01 RCC panel was demolished at the roof slab of Second Floor. Reinforcement of these panels were also cut with the help of gas cutter.

Photographs showing the aforesaid action, as taken by the department are annexed herewith as **Annexure: G (Colly)**.

5. That, pursuant to aforesaid demolition action, letters dated 13.08.2025, 01.09.2025, 03.09.2025, 04.09.2025, 08.09.2025 and 10.09.2025 have been sent to the SHO, PS Jamia Nagar with the request to keep strict vigil over the property, so that Owner/ Builder of the property may not be able to restore the demolished portion. Copies of watch & ward letters as sent are annexed herewith as **Annexure: H (Colly)**.
6. That, further action against subject property has been planned for 24.09.2025 and the same shall be taken upon availability of Police Force.

4. Learned counsels appearing for the MCD further submit that further action was also taken on 17th September, 2025.

5. Attention of this Court is also drawn to the photographs attached with the present Status Report, which are reproduced as under:



6. Perusal of the aforesaid Status Report clearly shows that requisite action has been taken by the MCD.

7. At this stage, learned counsel appearing for respondent no. 6 in *W.P.(C) 13237/2025*, who is also the respondent no. 2 in *W.P.(C) 13636/2025*, submits that he is the owner of the property in question. He submits that the petitioner in *W.P.(C) 13237/2025*, stays approximately one kilometre away from the property in question, while the petitioner in *W.P.(C) 13636/2025*, stays approximately fifteen kilometres away from the property in question.

8. None appears for the petitioner in *W.P.(C) 13237/2025*, when the matter is called out.

9. Clearly, the petitioner in *W.P.(C) 13237/2025*, who stays away approximately one kilometre away from the property in question, has no locus to file the present writ petition. Since the petitioner is not the immediate neighbour of the property in question, the petitioner does not as such, has any locus to file the present writ petition. This Court, in the case ***Rajendra Motwani & Anr. Versus MCD & Ors., 2017 SCC OnLine Del 11050***, has already held that in case a person is not the immediate neighbour and is not affected personally by any unauthorized construction as such, such petitions cannot be maintainable. Thus, in the case of ***Rajendra Motwani & Anr.(Supra),*** it was held as follows:

> *"xxx xxx xxx*
>
> *10....**that an illegal construction in itself does not give any legal right to a neighbor. An illegal construction always no doubt gives locus standi to the local municipal authorities to seek removal of the illegal construction, but, a right of a neighbor only arises if the legal rights of light and air or any other legal right is affected by virtue of the illegal construction of the neighbour.**..*
>
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

10. Thus, this Court expects that whenever such a situation arises, where petitions are being filed by the persons, who do not have direct interest in the unauthorized construction being carried out, such status shall be brought to the notice of this Court, on the first date itself, by the counsels appearing for the Statutory Bodies.

11. This Court notes the submission of learned counsel appearing for the petitioner in *W.P.(C) 13636/2025*, that the petitioner is the owner of the property in question, which is disputed by learned counsel appearing for respondent no. 2, in *W.P.(C) 13636/2025*.

12. Without going into the issue as regards the ownership of the property in question, since requisite action has already been taken by the MCD, any further directions, in that regard are not required to be issued for the time being.

13. The MCD and Station House Officer ("SHO"), Police Station Jamia Nagar, shall ensure that any construction in the property in question, shall take place only after due Sanctioned Plan is obtained and that no further unauthorized construction takes place in the property in question.

14. With the aforesaid directions, the present writ petitions, along with the pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 19, 2025/SK