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

+ **CONT.CAS(C) 1516/2025**

A. K. BASAK

.....Petitioner

Through: Mr. Shiv Gaur and Mr. Ankit Verma,
Adv.

versus

ASHWANI KUMAR AND ORS.

.....Respondents

Through: Mr. Raj Kumar, CGSC with Ms. Vandana Sachdeva, Mr. Ankit Choudhary and Mr. Sumit Choudhary, Adv. for GNCTD
Ms. Sangeeta Bharti, SC with Ms. Malvi Balyan, Adv. for R-7
Mr. Ajay Vikram Singh, Ms. Priyanka Singh, Mr. Aamir Fyaz and Mr. Rajesh Kumar, Adv. for DJB
Mr. Sharique Hussain and Ms. Kirti Garg, Adv. for R-5
Mr. Kedar Yadav, Mr. Rahul Yadav, Mr. Sanya Verma, Ms. Minakshi Yadav and Mr. Divyansh Solanki, Adv. for R-8 with R-8 in person
Ms. Prabhsahay Kaur, SC with Mr. Bir Inder Singh Gurm and Ms. Antara Mishra, Adv. for R-2
Mr. Abhinav Singh and Ms. Bharti Yadav, Adv. for R-3 and 4
Ms. Anshula L. Bakhru, Adv. for MCD (Through VC)

+ **W.P.(C) 5622/2025 & CM APPL. 25611/2025**

A.K. BASAK

.....Petitioner

Through: Mr. Shiv Gaur and Mr. Ankit Verma,



Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Raj Kumar, CGSC with Ms. Vandana Sachdeva, Mr. Ankit Choudhary and Mr. Sumit Choudhary, Advs. for GNCTD
Ms. Sangeeta Bharti, SC with Ms. Malvi Balyan, Adv. for R-8
Mr. Sharique Hussain and Ms. Kirti Garg, Advs. for R-6
Ms. Prabhsahay Kaur, SC with Mr. Bir Inder Singh Gurm and Ms. Antara Mishra, Advs. for R-2
Mr. Abhinav Singh and Ms. Bharti Yadav, Advs. for R-3 and 4
Mr. Sanya Verma, Ms. Minakshi Yadav and Mr. Divyansh Solanki, Advs.
Ms. Anshula L. Bakhru, Adv. for MCD (Through VC)
Mr. Rachita Garg and Mr. Agam Rajput, Advs. for R-4 and 7 (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

16.12.2025

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1. The present petitions pertain to unauthorized construction being carried out by respondent no. 9 on the forest land, situated at *Gali No. D-41, Chhatarpur Pahari, New Delhi*.
2. A Status Report had been filed on behalf of the Municipal



Corporation of Delhi (“MCD”) earlier. Now, an updated Status Report dated 14th December, 2025, has been filed on behalf of the MCD, relevant portions of which, read as under:

“xxx xxx xxx

6. That so as to ascertain the status of the subject property i.e. on the forest land situated at Gali No. D-41, Chattarpur Pahari, 100 Feet Road, 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 area field staff of Building Department –II of South Zone – MCD has identified the subject property as House No. 805, Gali No. 41, Chattarpur Pahadi, 100 Foota Road, New Delhi. The status of actions as initiated / taken by the department are detailed herein below:

- i) As per record, this property is already stands booked for unauthorized construction vide U/c file No. 499/UC/B-II/SZ/2025 dated 22/08/2025 in the shape of rooms set at Ground floor, for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following due process of law, the



necessary demolition order has also been passed by the Competent Authority i.e. AE (Bldg)-II of South Zone – MCD vide dated 09/09/2025. The copy of demolition order is annexed herewith as **Annexure – A.**

ii) Furthermore, another letter dated 26/08/2025 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 dated 26/08/2025 for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities. Copy of the said letter is annexed herewith as **Annexure – C.**

iv) Moreover, a letter dated 26/08/2025 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) Apart from this, sealing proceedings u/s 345-A of DMC Act – 1957 has also been initiated in respect of the subject property.



7. That pursuant to demolition order already passed in respect of the subject property, the Building Department –II of South Zone – MCD has tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	01/10/2025 & 22/10/2025	Action could not be taken due to shortage of time.
2.	08/12/2025	Action could not be taken due to non availability of police force.
3.	11/12/2025	A special demolition / sealing action programme was scheduled for this date. But the same could not be materialized due to stiff resistance / hindrance by local public and owners / occupiers and also due to shortage of police staff and non availability of lady police force. However, a Vacation Notice u/s 349 of DMC Act, bearing No. 3286/AE(B)/SZ/2025



		dated 11/12/2025 with the request to vacate the subject property, was pasted at site.
4.	12/12/2025	A special demolition / sealing action programme was again scheduled for this date. Upon availability of police force, during the course of action tin shed at Ground floor was demolished / removed with the help of labors, tools and gas cutter.

The photographs taken during the aforesaid demolition action alongwith copy of no force letter and..Vacation Notice are annexed herewith as **Annexure – E (Colly).**

8. That simultaneously, after taking the aforesaid demolition action, a letter dated 12/12/2025 has 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 / repaired. Copy of the said letter dated 12/12/2025 is also annexed herewith as **Annexure –F.**



9. That it is also pointed out that GRAP –III restriction were also enforced w.e.f. 11/11/2025 to 26/11/2025 on account of severe air pollution condition in Delhi / NCR region. The copy of the order dated 11/11/2025 is also annexed herewith as Annexure –G for record and kind reference of this Hon'ble Court.

10. That so as to take necessary demolition action in respect of the subject property, the department has now fixed the program for 24/12/2025 which will be taken / carried out upon availability of police force. ”

3. Perusal of the aforesaid Status Report shows that demolition order already stands passed and demolition action is being planned by the MCD. Further, the next demolition action planned by the MCD in the area, is on 24th December, 2025.

4. Accordingly, the MCD is enjoined upon to take action against the unauthorized construction and encroachment existing in the area in question. The MCD shall ensure that the area, which is meant to be maintained as green land, is maintained in the said manner.

5. Rights and contentions of the parties are left open.

6. In case, any party is aggrieved by any action or non-action on the part of the MCD, their right to seeks remedies in accordance with law is reserved.

7. With the aforesaid directions, the present petitions, along with the pending applications, are disposed of.

MINI PUSHKARNA, J

DECEMBER 16, 2025/KR