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

+ CONT.CAS(C) 1538/2023 and CM APPLs.4280/2024, 6111/2024, 11584/2024, 22243/2024, 32423/2024, 32424/2024, 43549/2024, 47308/2024, 57387/2024, 62705/2025

MANVADHIKAR ASSOCIATIONPetitioner

Through: Mr. Rajiv Khosla, Mr. Apoorva Khosla and Ms. Shreya Sharma, Advs.

versus

SHRI SANJAY ARORA & ORS.Respondents

Through: Mr. Nishant Gautam, CGSC, Mr. Vineet Negi, Ms. Kavya Shukla, Mr. Vibhav V. Nath and Ms. Theresa, Advs. for Delhi Police.

Mr. Vikram Singh, Adv. for Ms. Jagriti Singh, Adv. for MCD (through v/c)

Inspector Kuldeep Singh, TI Nand Nagri Circile, SI Dharam Pal, Pairvi Officer, Traffic.

SI Radhey Shyam, PS MS Park.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.03.2026

1. A status report dated 19.01.2026 has been filed on behalf of the Municipal Corporation of Delhi (MCD). The same states as under:

THAT THE PROPERTY WISE STATUS ARE AS UNDER:-

A) PLOT No.C-43 (Part), 36 FEET ROAD, WEST JYOTI NAGAR EXT. DELHI.



It is submitted that the site was inspected by the then area JE(B) on 14/03/2023 and during the inspection it was noticed that unauthorised construction in shape of entire Ground Floor was carried out without obtaining the building sanction plan. Hence, same property No.C-43 (Part) 36 Feet Road, West Jyoti Nagar Extn. was booked vide booking file No.30/B-II/UC/SHN/2023 dated 14/03/2023. The Work Stop Notice 14/03/2023 & 17/03/2023 were issued. The Show Cause Notice dated 14/03/2023 u/s 344(1) & 343 of DMC Act was also sent vide Speed Post dated 18/03/2023 to Sh. Shailender Sharma alias Sh. Dipu, Owner/Builder of the property. Moreover the above said Show Cause Notice dated 14/03/2023 was also pasted at site on 18/03/2023. However, the Speed Post received back. Shailender Sharma alias Sh. Dipu, Owner/Builder had not submitted any reply to the above show cause notice despite the service of the above notice through pasting. Hence, order for demolition of building u/s 343 of DMC Act dated 23/03/2023 was also sent to him vide Speed Post dated 24/03/2023 for demolishing the impugned structure within the stipulated period and same also pasted at site on 24/03/2023. However, he has not complied with the same within the stipulated period. Hence, the demolition order was passed on the booking file on 31/03/2023. The attempt were made on 23/06/2023, 14/07/2023 & 06/10/2023 for taking demolition action but same could not be taken due to non-availability of police force/shortage of time. Further, demolition action fixed for 27/10/2023 and demolished the one RCC panel at the roof of First Floor in front side as well as brick wall MS grill at the roof of Ground Floor & First Floor (copy of photographs already submitted in earlier status report). The demolition programme scheduled on 30/10/2023, but the same could not executed due to shortage of time, action taken on other property. The demolition programme scheduled



on 03/11/2023, but the same could not executed due to impose of GRAP-III. The demolition programme scheduled on 02/01/2024, but the same could not executed due to shortage of time, action taken on other property.



It is further submitted that the sealing proceedings were also initiated against the unauthorized construction. The sealing show cause notice dated 06/11/2023 u/s 345-A of the DMC Act was duly issued under the signature of the then Deputy Commissioner, Shahdara North Zone, and same was sent to Shri Shailender Sharma alias Dipu, owner/builder/occupier vide speed post dated 09/11/2023 and also pasted at site on 29/12/2023 is annexed as Annexure R-1. But no reply of the same was submitted within the stipulated period. Hence matter was placed before the Competent Authority i.e. Dy. Commissioner, Shahdara North Zone and sealing orders passed on 15/01/2024 is annexed as Annexure R-2. The demolition/sealing programme was scheduled on 09/02/2024 on the day sealing action was taken by sealing Ground Floor at 02 points (the property completely sealed). (Photographs of sealing are annexed as Annexure R-3). A application for regularization of suit property is received vide 05/R/B-II/Sh.-N/2024 dated 03.06.2024, after scrutiny the Invalid Notice has been issued. Further, an application received for temporary de-seal suit property for the purpose of demolition of unauthorised construction, the Competent Authority approved for de-sealing, the property has been de-sealed on 13/05/2024 and again re-sealed on 11/06/2024, the regularization of file has been sent to Town Planning Department for comments, the comments from Town Planning Department is awaited.

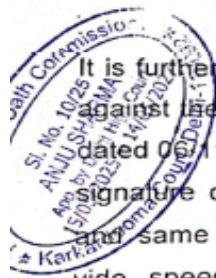
B) PLOT NO. C-52/1, GALI NO.8, WEST JYOTI NAGAR EXT. DELHI;

It is submitted that the site was inspected by the then area JE(B) on 14.03.2023 and during the inspection it was noticed that unauthorised

construction in shape of entire Ground Floor to Fourth Floor were carried out without obtaining the building sanction plan. Hence, same was booked vide booking file No.31/B-II/UC/SHN/2023 dated 14/03/2023. The Work Stop Notice 17/03/2023 was issued. The Show Cause Notice dated 14/03/2023 u/s 344(1) & 343 of DMC Act was also sent vide Speed Post dated 18/03/2023 to Nikhil Aggarwal, Owner/Builder of the property. Moreover the above said Show Cause Notice dated 14/03/2023 was also pasted at site on 18/03/2023. However, the Speed Post received back. Sh. Nikhil Aggarwal,



Owner/Builder had not submitted any reply to the above show cause notice despite the service of the above notice through pasting. Hence, order for demolition of building u/s 343 of DMC Act dated 23/03/2023 was also sent to him vide Speed Post dated 24/03/2023 for demolishing the impugned structure within the stipulated period and same also pasted at site on 24/03/2023. However, he has not complied with the same within the stipulated period. Hence, the demolition order was passed on the booking file on 31/03/2023. The earlier demolition action has been taken on 23/06/2023 and demolished the inner brick walls. The demolition was scheduled on 06/10/2023, 27/10/2023 & 30/10/2023, but the same was could not executed due to action taken on another court case property. The demolition was scheduled on 03/11/2023, but the same was could not executed due to impose of GRAP-III. The demolition was scheduled on 02/01/2024, but the same was could not executed due to action taken on another court case property.



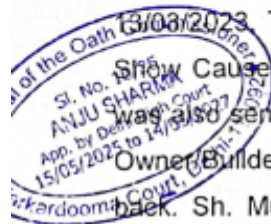
It is further submitted that the sealing proceedings were also initiated against the unauthorized construction. The sealing show cause notice dated 09/11/2023 u/s 345-A of the DMC Act was duly issued under the signature of the then Deputy Commissioner, Shahdara North Zone, and same was sent to Shri Nikhil Aggarwal, owner/builder/occupier vide speed post dated 09/11/2023 and also pasted at site on

29/12/2023 is annexed as Annexure R-4. But no reply of the same was submitted within the stipulated period. Hence matter was placed before the Competent Authority i.e. Dy. Commissioner, Shahdara North Zone and sealing orders passed on 15/01/2024 is annexed as Annexure R-5. The demolition was scheduled on 09/02/2024, but the same was could not executed completely due to the property found occupied. However, sealing action was taken at top floor by sealing store room. The demolition & sealing action was scheduled on 06/03/2024 & 22/03/2024, but the same was could not executed due non-availability of police force. The demolition was scheduled on 09/04/2024, but the same was could not executed due to shortage of time. The demolition was scheduled on 31/10/2025, but the same was could not executed due to the property found occupied. The demolition was scheduled on 17/11/2025, but the same was could not executed due to stay by Appellant Tribunal/MCD till 09/03/2026 vide appeal No.751/25 (copy enclosed is annexed as Annexure R-6).



C) PLOT ADJOINING TO PLOT No.C-53, "TYAGI BHAWAN", WEST
JYOTI NAGAR, EXTENSION, DELHI:

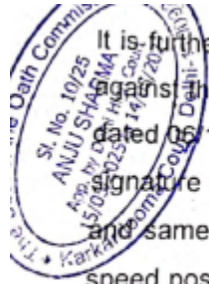
It is submitted that the site was inspected by the then area JE(B) on 13/03/2023 and during the inspection it was noticed that unauthorised construction in shape of entire Ground Floor & First Floor was carried out without obtaining the building sanction plan. Hence, same property No.C-54 (Part) Gali No.7 (adjoining to C-53) West Jyoti Nagar Extn. was booked vide booking file No.29/B-II/UC/SHN/2023 dated



13/03/2023. The Work Stop Notice 14/03/2023 was also issued. The Show Cause Notice dated 13/03/2023 u/s 344(1) & 343 of DMC Act was also sent vide Speed Post dated 18/03/2023 to Sh. Mukesh Jain, Owner/Builder of the property. However, the Speed Post received back. Sh. Mukesh had not submitted any reply to the above show cause notice despite the service of the above notice through pasting. Hence, order for demolition of building u/s 343 of DMC Act dated

23/03/2023 was also sent to him vide Speed Post dated 24/03/2023 for demolishing the impugned structure within the stipulated period and same also pasted at site on 24/03/2023. However, he has not complied with the same within the stipulated period. Hence, the demolition order was passed on the booking file on 31/03/2023. The attempt was made on 14/07/2023 taken demolition action but same could not be taken due to non-availability of police force. Further, demolition action fixed for 30/10/2023 and demolished the one RCC panel at the roof of Ground Floor in the back sides (copy of photographs already submitted in earlier status report). During the course of demolition action on 30/10/2023, the construction Ground Floor to Fourth Floor were found at site. The demolition programme again scheduled on 03/11/2023, but same could be executed due to impose of GRAP-III. The demolition programme again scheduled on 02/01/2024, but same could be executed due to shortage of time, action taken on other court case property. The demolition programme again scheduled on 09/02/2024, but same could be executed due to shortage of time, action taken on other court case property. The demolition programme again scheduled on 23/02/2024, but same could be executed due to shortage of time, action taken on other court case property. The demolition programme again scheduled on 06/03/2024 & 22/03/2024, but same could be executed due to non-availability of police force. The demolition programme again scheduled on 31/10/2025, but same could be executed due to property found occupied.





It is further submitted that the sealing proceedings were also initiated against the unauthorized construction. The sealing show cause notice dated 06/11/2023 u/s 345-A of the DMC Act was duly issued under the signature of the then Deputy Commissioner, Shahdara North Zone, and same was sent to Shri Mukesh Jain, owner/builder/occupier vide speed post dated 09/11/2023 and also pasted at site on 29/12/2023 is

annexed as Annexure R-7. But no reply of the same was submitted within the stipulated period. Hence matter was placed before the Competent Authority i.e. Dy. Commissioner, Shahdara North Zone and sealing orders passed on 15/01/2024 is annexed as Annexure R-8. The demolition/sealing programme was scheduled on 17/11/2025 on the day sealing action was taken by sealing Second Floor and Third Floor with help of Police Force. Further, action could not taken due to occupancy and police force cannot be vacated (Photographs of sealing is annexed as Annexure R-9). Further, re-sealing programme will be taken availability of police force i.e. after Republic Day Celebration.

**D) UNAUTHORISED CONSTRUCTION NEAR SATYAM COMPUTER
100 FEET ROAD, DURGAPURI DELHI (1449/83/2, Gali No.4,
Durgapuri, Shahdara, Delhi-32);**

It is submitted that the site was inspected by the then area JE(B) on 31/10/2023 and during the inspection it was noticed that unauthorised construction in shape of entire Ground Floor to Third Floor were carried out without obtaining the building sanction plan. Hence, same was booked vide booking file No.154/B-II/UC/SHN/2023 dated 31/10/2023. The Show Cause Notice dated 31/10/2023 u/s 344(1) & 343 of DMC Act was also sent vide Speed Post on dated 01/11/2023 and also pasted at site on 20/11/2023, further order for demolition was issued on dated 29/11/2023 to Shri Ayub, owner/occupier via Speed Post dated 30/11/2023 and demolition order was passed on 14/12/2023, demolition programme was fixed on 12/01/2024, 22/02/2024, 29/02/2024, 15/03/2024 & 05/06/2024, but the same could not execute due to shortage of time, the another demolition programme fixed on 24/06/2024, but the same could not executed due to property found occupied, the another demolition programme fixed on 20/02/2025 and the same could not be executed due to property found locked from inside and police force cannot vacate the premises.

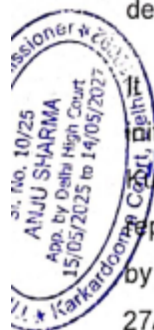




Another demolition programme fixed on 27/11/2025, but the same could not execute due to non-availability of police force, the copy of vacation notice dated 09/07/2024 (enclosed as annexed as Annexure R-10). A misuse show cause notice u/s 345(A) of DMC Act, 1957 read with Chapter 15 of MPD 2021 letter dated 09/01/2025 for running commercial activity has been issued to owner/occupier ground floor owner, 1449/83/2, GF, Gali No.4, Durgapuri, Shahdara, Delhi-32, the reply of above show cause notice is awaited.

E) PLOT NO.J-5, WEST JYOTI NAGAR, DELHI;

a) It is submitted that the above property was earlier inspected on 12.01.2024 and during the inspection an unauthorized construction in shape of illegal subdivision of plot at Ground Floor with walls and columns on frame work was booked vide booking file no. 03/UC/B-II/SHN/2024 dated 12.01.2024. The show cause notice dated 12.01.2024 under section 343 & 344 (1) of the DMC Act was duly sent to Sh. Kuldeep Panwar / Sh. Nitin, Owner/Builder through speed post dated 19.01.2024. The above show cause notice has also been pasted at site on 23.01.2024. However, No reply to the same was received within stipulated period. Hence Order of the Demolition of the Building dated 06.02.2024 u/s 343 of the DMC Act was duly sent vide speed post dated 07.02.2024 to Sh. Kuldeep Panwar / Sh. Nitin for compliance of the same within stipulated period. In furtherance to this, execution order for the demolition was passed on 23.02.2024.



It is submitted that simultaneously sealing proceedings also initiated a show cause notice dated 25/01/2024 was sent to Shri Kuldeep Panwar and Shri Nitin owner/occupier/builder, however no reply received in stipulated period, the sealing orders was passed by the competent authority i.e. Dy. Commissioner/SNZ on 27/03/2024 (copy of letter dated 27/03/2024 enclosed as Annexure R-11)

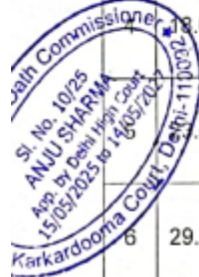


It is also submitted that simultaneously prosecution also initiated a letter dated 25/01/2024, sent to SHO PS-Jyoti Nagar by the competent authority i.e. Dy. Commissioner/SNZ, wherein requesting to initiate prosecution u/s 332/461 read with section 466-A of DMC Act, 1957 (copy enclosed is annexed as Annexure R-12).

It is also submitted that a letter dated 22/09/2025 sent to Dy. Commissioner of Police, North-East District for lodging FIR u/s 223 & 329(4) of BNS & 466-A of DMC Act, 1957 for tempering the seal (copy enclosed is annexed as Annexure R-13).

It is further submitted that various correspondence has been made with the police authority to provide the adequate police force for carried out the demolition actions programs in respect of suit property is as under:-

	Date of program	Action taken / Remarks	Reason	Communication in this regard.
1	06.03.2024	Same could not executed due to non-availability of police force	As informed by PS-Jyoti Nagar, due to Kisan Andolan & BJP Nari Shakti Mohotsava.	Letter already enclosed in earlier status report
2	22.03.2024	Same could not executed due to non-availability of police force	Heavy arrangement in respect of arrest of CM Arvind Kejriwal	Letter already enclosed in earlier status report
3	04.04.2024	Demolition action taken at one RRC Panel demolished of size 8.5×8 and cutting the reinforcement by gas cutter and also demolished one RCC brick wall.		
	18.04.2024	Same could not executed due to non-availability of police force	Due to Election Duty arrangements.	Letter already enclosed in earlier status report
	04.04.2024	Same could not executed due to non-availability of police force	Due to Election Duty and Hanuman Mahotsava arrangement.	Letter already enclosed in earlier status report
6	29.04.2024	Same could not executed due to non-availability of police force	Due to Election Duty arrangements.	Letter already enclosed in earlier status report





Subsequently, work stop notice(s) dated 15.01.2024, 29.01.2024, 12.02.2024 & 22.03.2024 also been sent to SHO-PS Jyoti Nagar and the copy of the same is also sent to owner/builder of the property requesting therein not to raise further construction over the property. Further a Watch & Ward letter dated 08.04.2024 was also sent to SHO PS-Jyoti Nagar with request to keep strict watch & ward to stop further illegal construction activity by the owner / builder of the property.

It is further submitted that the Hon'ble court vide order dated 16.04.2024, para 12 directed as under:-

"12. It is further directed that police force shall be made available to the MCD as and when such request is made for taking action against the aforesaid unauthorized construction."

In compliance of the said directions, a letter vide dated 26.04.2024 has been sent to the Deputy Commissioner of Police, North-East Delhi-53 requesting therein to provide the adequate police force for special demolition / sealing program dated 29.04.2024, 06.05.2024, 07.05.2024 & 08.05.2024 but the same was refused to received by the authority on the account of ongoing election. In response thereto, the same has also been sent through speed post dated 26.04.2024 (The copy already enclosed with earlier status report as Annexure).

It is further submitted that the demolition action programme in respect of suit property is as under:-

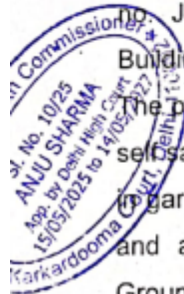
Sr.	Date of program	Action taken / Remarks
	06.05.2024	Same could not executed due to non-availability of police force
	07.05.2024	Same could not executed due to non-availability of police force
	08.05.2024	Same could not executed due to non-availability of police force
4	06.06.2024	Demolition action at third floor a RCC panel demolished of size 9' x 8.5' and cutting the reinforcement by gas cutter and also demolished the brick wall an another RCC panel demolished of size 3.5 x 7' and

ANJU SHARMA
App. by Delhi High Court
15/05/2025 to 14/05/2025
Karkardooma Court, Delhi-53



		cutting the re-inforcement by gas cutter, further action could not be taken due to heavy public resistance.
5	10.06.2024	Action could not be taken due to shortage of time and action taken on another court case property.
6	11.06.2024	Action could not be taken due to non-availability of police force.
7	12.06.2024	Action could not be taken due to shortage of time and action taken on another court case property.
8	14.06.2024	Action could not be taken due to non-availability of police force.
9	26.06.2024	Action could not be taken due to non-availability of police force.
10	28.06.2024	Action could not be taken due to shortage of time and action taken on another court case property.
11	05.07.2024	Action could not be taken due to shortage of time and action taken on other property on same date.
12	29.08.2024	Action could not be taken due to non-availability of police force.
13	10.11.2024	Sealing action taken by sealing 01 point at ground floor main gate inner side (due to lock found from inner side).
14	22.05.2025	Action could not taken due to action taken on other property.
15	10.06.2025	Action could not be taken due to action taken on other property.
16	23.06.2025	Action could not be taken due to hindrance by owner and other public and police force could not clear the hindrance (only one lady constable available).
17	12.08.2025	The owner locked the property from inside, as per orders of EE(B)-II the lock has been braked due to heavy resistance demolition action could not take place but sealing action taken at 02 points.
18	November-December-2025	Action could not be taken due to impose of GRAP-III & IV.
19	The FIR letter already sent to concerned SHO for lodging FIR due to seal tempering and prosecution also initiated. The re-sealing programme will be fixed after availability of police force i.e. after Republic Day Celebration.	

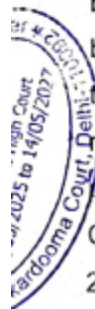
- b) It is further submitted that the owner/builder of the property bearing NO. J-5/2 (Part), West Jyoti Nagar has obtained the Sanction Building Plan under the self-scheme portal through his Architect. The property in question has been inspected pursuant to the above self-sanction plan and during the inspection it has been noticed that in garb of above sanction plan he sub-divided property in question and also raised further unauthorized construction in shape of Ground Floor to Third Floor with projection on municipal land. Hence, the owner/builder of the property obtained the Sanction





Plan under the self-scheme by way of misrepresentation as the property in question was sub-divided. The show cause notice has been issued on 22/04/2024 u/s 338 of the DMC Act for revocation of the building sanction plan. The reply received from owner Shri Nitin Gupta and the Architect did not reply to above said show cause notice in stipulated period. The reply submitted by the owner is not satisfactory, hence revocation letter dated 29/08/2024 of sanctioned building plan and debarred architect for 03 years for property No.J-5/2, Old Plot No.J-5, Kh. No.67 & 68, West Jyoti Nagar, Shahdara, Delhi-110094, on-line sanction ID 20007874 dated 25/01/2025 was issued to owner as well as architect. Further, the property is booked for unauthorised construction in shape of ground floor, first floor, second floor, raising columns on third floor with projection on municipal land vide file No.133/UC/B-II/SHN/2024 dated 11/10/2024, the show cause notice dated 11/10/2024 issued to Shri D.K. Jain and Shri Kuldeep Panwar, owner. A work stop notice also issued to SHO, PS-Jyoti Nagar dated 11/10/2024. No reply received in stipulated period, hence demolition notice was issued on 13/11/2024 to Shri D.K. Jain and Shri Kuldeep Panwar, owner for compliance, no reply has been received nor any reply, hence demolition order passed on 28/11/2024.

It is further submitted that simultaneously sealing proceedings has been initiated a sealing show cause notice dated 16/10/2024 has been issued to Shri D.K. Jain and Shri Kuldeep Panwar, owner by the competent authority i.e. Dy. Commissioner/SNZ. However, no reply has been received in stipulated period, hence sealing orders passed on 18/11/2024 by the competent authority i.e. Dy. Commissioner/SNZ. A demolition programme was scheduled on 25/03/2025, but the same could not be executed due to occupancy of property and the police force cannot be able to vacate, another





demolition action scheduled on 15/05/2025, 22/05/2025 & 10/06/2025, but the same could not be executed due to shortage of time, action taken on another property, another demolition programme fixed for 28/06/2025 & 12/08/2025, but the same could not be execute due to property found locked from inside and police force cannot be able to open the door. A sealing programme was fixed on 09/01/2025 and on 09/01/2025 the property was sealed at ground floor at 01 point in presence of police force.

It is also submitted that a letter dated 04/02/2025 sent to Dy. Commissioner of Police, Shahdara District for lodging FIR u/s 188 IPC & 466-A of DMC Act, 1957 for tempering the seal (copy enclosed is annexed as Annexure R-14). The re-sealing programme will be fixed after availability of police force i.e. after Republic Day Celebration.

deponent who is in my presence It is submitted that the further action would be taken against the above said unauthorised construction/misuse in the properties in question in due course of time as per the provisions of the DMC Act.

The status report is submitted accordingly.



Robin

EXECUTIVE ENGINEER (BLDG.)-II
SHAH (NORTH) ZONE

CERTIFIED THAT THE DEPARTMENT

2. Let demolition action in respect of the aforesaid unauthorized construction/ encroachment referred to in the status report, be taken by the MCD expeditiously so as to ensure that entire subsisting unauthorized construction / encroachment on public road is removed.
3. Let the needful be done latest within a period of eight weeks from today after adhering to the prescribed procedural requirements.



4. Let an updated status report be filed before the next date of hearing.
5. List on 02.09.2026.
6. The concerned police officials are directed to render appropriate assistance for the purpose of any demolition action.

SACHIN DATTA, J

MARCH 25, 2026/cl