



2025:DHC:9710



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 03.11.2025

+ W.P.(C) 12115/2025 & CM APPL. 49398/2025

MANGAL SINGH RAWATPetitioner

Through: Mr. S.S. Ray, Sr. Adv. with Ms.
Rakhi Ray, Mr. Vaibhav Gulia, Mr.
Shubhaankar Ray, Advocates
(M:9868123374)

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Sandeep Kumar, Additional
Standing Counsel for MCD

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking setting aside of the Demolition Order dated 21st July, 2025, passed by the Assistant Engineer (Bldg)-II Shahadra (South) Zone, with respect to the 4th Floor of the petitioner's property in the building by the name of *Shakti Bhawan*, in plot no. S-606 School Block-II, Shakarpur, Delhi 110092.
2. A Status Report dated 30th October, 2025, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx"



3. That, Junior Engineer (Building) carried out inspection of the property no. S-606(Part), School Block, Shakarpur, Delhi-110092 and found that the unauthorized construction in shape of entire ground floor (commercially occupied) in the shape of two shops and unauthorized construction in the shape of entire first floor, entire second floor, entire third floor & entire fourth floor (first to fourth are residentially occupied) has been carried out at said property.
4. That, accordingly, Show Cause Notice u/s 344 (1) & 343 of DMC Act, 1957 (66 of 1957) was issued to (i) owner/occupier at GF, (ii) Sh. Shyam (FF left side), (iii) Smt. Sunita (FF right side), (iv) Smt. Jyoti (SF left side), (v) Sh. Awdesb Singh (SF right side) (vi) owner/occupier at (TF left side), (vii) Sh. Sabhal Singh (TF right side) (viii) Smt. Gurmeet Kaur (fourth floor left side) & (ix) Sh. Sabhal Singh (fourth floor right side) vide No. 93/B/UC/SS/2025 dated 07.05.2025 directing therein to show cause as to why demolition order u/s 343 of the Delhi Municipal Act, 1957 should not be passed in respect of the unauthorized construction already carried out and the unauthorized construction, if any carried out after the issue of show cause notice. It was further directed to submit the reply within stipulated period or to attend the personal hearing on 22.05.2025 at 12:00 PM.
5. That, in view of the submissions given by the noticees during hearing, relevant documents provided by the appellants and booking done by Junior engineer, it is noticed that the property consists of Ground Floor, First Floor, Second Floor & Third Floor and Fourth Floor was constructed without obtaining sanctioned building plan and is unauthorized construction. Therefore, the same is actionable under provisions of DMC Act, 1957.



6. That, Smt. Renu Singh owner of Third Floor (Left Side) vide her reply dated 22.05.2025 has submitted a registered GPA dated 06.11.2006 and Agreement to sell dated 06.11.2006 executed by Sh. Rajinder Singh S/o Sh. Kalyan Singh in favour of Smt. Renu Singh wherein the detail of existing Third Floor (Left Side) without roof rights, having area 70 Sq. Yd. approx. is available.
7. That, Sh. Mangal Singh Rawat S/o Sabal Singh Rawat owner of Third Floor (Right Side) & Fourth Floor (Right Side) vide his reply dated 04.06.2025 has submitted a GPA dated 26.06.1998 and Agreement to sell dated 26.06.1998 executed by Sh. I.D.Mittal S/o D.C. Mittal in favour of Sh. Sabal Singh Rawat wherein the detail of existing Third Floor (Right Side) only with roof right, having area 70 Sq. Yd. approx. is available.
8. That, Sh. Narendra Singh owner of Fourth Floor (Left Side) vide her reply dated 22.05.2025 has submitted a Registered GPA dated 25.01.2000 and Agreement to sell dated 25.01.2025 executed by Sh. Rajinder Singh S/o Sh. Kalyan Singh in favour of Smt. Gurmeet Kaur wherein the detail of existing Fourth Floor (Left Side) having area 70 Sq. Yd. approx. is mentioned as one Flat at Top Floor is available.
9. That, there is no detail available with respect to Fourth Floor (Right Side) in possession of Sh. Mangal Singh Rawat that it was constructed before the cutoff date i.e. 8th day of February-2007 as per National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011(Amended).



10. That, it has been established that entire third floor including Left side & Right side and Fourth Floor (Left Side) under the procession of Sh. Narendra Singh was Constructed before the cut-off date i.e. 8th Feb 2007 as per the provisions of Gazette Notification of National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011(Amended) Therefore, entire third floor including Left side & Right side and Fourth Floor (Left Side) under the procession of Sh. Narendra Singh and the entire construction underneath i.e. Ground Floor, First Floor, Second Floor is automatically is deemed to be have protected from any punitive action by local body as per National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011(Amended), till 31 December 2026 or till the expiry of protection provided by National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011(Amended).

11. That, the owner of Fourth Floor (Right Side) under the possession of Sh. Mangal Singh Rawat was therefore directed to demolish the entire unauthorized construction i.e. "Fourth Floor (Right Side)", vide speaking order dated 21.07.2025 issued by Assistant Engineer (Building) – II, Shahdara South Zone, MCD, within a period of 15 days after receipt of this notice failing which department will be at liberty to take demolition action as per law. Copy of Speaking Order dated 21.07.2025 is annexed as **Annexure R – 1 (Colly)**.

12. That, it is further submitted that the property of the petitioner falls under unauthorized regularized colony, for which regularized layout plan was approved by DDA vide Resolution No. 107-B dated 24.10.1982. The same has been confirmed from the website of DDA. Copy is annexed as **Annexure R – 2**. The site has been inspected by the Junior Engineer concerned and the location of property has been identified by him in the Regularization Layout Plan of the area.



13. That, as per the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, amended to date , subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status quo –

- (i.) *As on the 1st day of January, 2006 in respect of encroachment or unauthorized development.*
- (ii.) *In respect of unauthorized colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colonies) Regularization, 2019, in respect of village abadi area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories , where construction took place up to 1st day of June 2014, as mentioned in sub-section (1)]*
- (iii.) *In respect of special areas as per the Building Regulations for Special Area, Unauthorized Regularized Colonies and Village Abadis 2010 and*
- (iv.) *In respect of all other areas within the National Capital Territory of Delhi as on the 8th day of February, 2007, shall be maintained.*

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3. Perusal of the aforesaid Status Report filed on behalf of the MCD shows that it is the clear stand of the MCD that as regards the 4th Floor (Left Side), of the property in question, the same was constructed before the cut-off date, i.e., 08th February, 2007, as per the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. However, as regards the construction on the Fourth Floor (Right Side) of the property in question, in possession of the petitioner, vide the Demolition Order in the form of speaking order dated 21st July, 2025, issued by the Assistant Engineer (Bldg)-II, Shahadra, (South) Zone, the same is an unauthorized construction. The said Demolition Order dated 21st July, 2025, has been attached along with the present Status Report.



4. Accordingly, considering the aforesaid, the petitioner is granted liberty to approach the Appellate Tribunal MCD (“ATMCD”) to challenge the said Demolition Order, in the form of speaking order dated 21st July, 2025, passed by the MCD.
5. At this stage, learned Senior Counsel for the petitioner submits that the petitioner be granted a time of eight weeks to file the requisite appeal, since documents are required to be collected by the petitioner.
6. He further submits that an opportunity be also granted for filing additional documents before the ATMCD.
7. Accordingly, liberty is granted to the petitioner to file the appeal before the ATMCD, within a period of eight weeks, from today.
8. Further, the petitioner is also granted liberty to file additional documents before the ATMCD.
9. Considering the submissions made before this Court, it is directed that for a period of eight weeks, no coercive action shall be taken against the property of the petitioner, in order to allow the petitioner to file an appeal before the ATMCD.
10. Rights and contentions of the parties are left open.
11. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD.
12. With the aforesaid directions, the present petition, along with the pending application, is accordingly, disposed of.

MINI PUSHKARNA, J

NOVEMBER 3, 2025/au