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

% **Date of Decision: 09.09.2025**

+ W.P.(C) 9317/2023 & CM APPL. 44346/2023

NARESH NAGAPAL & ORS.

.....Petitioners

Through: None
versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Prabhsahay Kaur, SC with Mr.
Bir Inder Singh Gurm, Adv. for DDA
(Through VC)
Mr. Priritish Sabharwal, Adv. for
MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL)

1. The present petition has been filed seeking directions to respondent no.1 to take demolition/sealing action against the illegal and unauthorized construction raised by respondent nos. 2 to 7 in properties bearing *No. D-202, D-203, D-305, D-402, E-402, E-208 and E-209 of Venus Apartments, the Jatav Co-opertative Society, Rani Bagh, Pitampura, Delhi-110034.*
2. Learned counsel appearing for Municipal Corporation of Delhi ("MCD") has handed over to this Court an order dated 28th May, 2025 passed in W.P.(C) 7372/2025, titled as "*Ashish Sudan and Ors. Versus Municipal Corporation of Delhi and Ors.*" and other connected matter.
3. Learned counsel appearing for the MCD submits that the said writ petition pertained to the same area, as the present writ petition. He, thus, submits that the present writ petition can also be disposed of in terms of the



aforesaid order.

4. This Court notes that *vide* order dated 28th May, 2025 in W.P. (C) 7710/2025, this Court has held as follows:

“xxx xxx xxx

12. Accordingly, it is directed that the petitioners as well as various other residents of the Jatav Cooperative Society, shall file their respective applications for regularization of the existing construction in their flats.

13. The said applications shall be filed through the Administrator appointed by the Government of National Capital Territory of Delhi (“GNCTD”), as this Court is informed that an Administrator-cum-Returning Officer, has been appointed *vide* order dated 11th April, 2025, issued by the Office of the Registrar Cooperative Societies, GNCTD.

14. It is clarified that the Administrator would only be a coordinating authority, through whom, the respective applications of the various flat owners shall be filed with the MCD for consideration of their case for regularization.

15. Subsequent to filing of the said applications with the Administrator of the society, the Administrator of the society shall thereafter, revise the applications into one comprehensive application for regularization of the various flats, clearly showing the extent of the deviations in each flat, which are compoundable in nature.

16. The application of the respective flat owners routed through the Administrator, shall be accompanied by a plan drawn by the Architect, clearly showing the compoundable and non-compoundable construction existing in each flat.

17. Various flat owners of the society are directed to cooperate with the Administrator in this regard and when the Architect is engaged by the society for this purpose, the said Architect shall be entitled to inspect each flat in the society, in order to draw the plan with respect to any existing deviation in the flats in the society in question.

18. The society shall also comply with other requisite formalities, as may be indicated by the MCD.

19. The aforesaid exercise shall be completed by the society within a period of eight weeks, from today.

20. Upon receipt of the application, the MCD shall process and consider the same, expeditiously, preferably within a period of eight weeks, from receipt of the said comprehensive application.

21. Needless to state that during the pendency of the aforesaid process with respect to filing of the applications for regularization and



consideration of the said comprehensive regularization application of the various flat owners of the society, no coercive action shall be taken by the MCD.

22. It is further clarified that, in case of any construction, which is non-compoundable in nature, and which is indicated by the MCD, the said non-compoundable construction shall be demolished by the respective flat owners, forthwith.

23. In case, the said exercise is not carried out by the respective flat owners, the MCD shall be at liberty to carry out requisite action, in accordance with law.

24. It is further directed that at the time of considering the comprehensive application of the society, hearing shall be granted to the representative(s) of the society.

25. This Court notes that earlier by way of an order dated 29th April, 2025, in W.P.(C) 9317/2023, titled as Naresh Nagpal & Ors. Versus Municipal Corporation of Delhi & Ors., this Court had directed the MCD to take an action against the respective flats, where unauthorized construction existed.

26. However, considering the fact that the various flat owners are now before this Court, and have undertaken to apply for regularization, the present order has been passed.

27. This Court also takes note of the submissions made by learned counsel appearing for the MCD, that out of the 107 flats, 52 flats already stand booked by the MCD and an action in 38 flats has already been taken by the MCD.

28. It is further clarified that the other flats, which have still not been booked by the MCD, shall also take part in the aforesaid exercise.

29. In case of any deviation, the said flat owners, whose properties are yet to be booked by the MCD, shall come forward for the purposes of regularization of the construction, in their flats.

30. Needless to state that MCD shall be at liberty to take action after following the due process of law, in case, it is found that deviations are existing in various flats, whose owners/occupants, have not come forward for regularization of such construction.

xxx xxx xxx”

5. Considering the submissions made before this Court, it is directed that in parity with the other flat owners in the same Society, the petitioners herein are also granted liberty to file their respective applications for regularization of their flats through the Society.



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6. It is directed that the petitioners as well as the other residents of the Jatav Co-operative Society shall file their respective applications for regularization of the existing construction in their flats.
7. It is directed that the applications of the petitioners shall be decided, in accordance with law.
8. It is further clarified that no steps shall be taken by the MCD against the properties in question, till the pendency of the regularization application.
9. In case any grievances of the petitioners still remain pending, they are at liberty to seek their remedies in accordance with law.
10. With the aforesaid directions, present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 9, 2025/KR