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

% **Date of Decision: 10th August, 2026**

CNR No. DLHC010041912025

+ **CONT.CAS(C) 164/2025 & CM APPL. 6467/2025**

AJAZ AHMADPetitioner

Through: **Mr. Sadik, Advocate (through VC)**

versus

ASHWANI KUMAR AND ORS.Respondents

Through: **Ms. Reema Khurana and Mr. Vikas Kumar, Advocates for R-1 and 2 /MCD**

Mob: 9811135752

Mr. Umang Tyagi, Mr. Siddharth Sharma, Mr. Zuber Ali and Ms. Khushi Anand, Advocates for R-5

Mob: 9999106627

Email: advsudd7@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed against the respondents alleging wilful non-compliance of the order dated 10th January, 2023, passed by this Court in *W.P.(C) 5123/2017*.
2. *Vide* said order, directions were issued in relation to unauthorised construction carried out by respondent nos. 2 and 3 therein in property measuring 617 square yards situated in *Khasra no. 317, Village Jasola, Tehsil Mehrauli*, now number *N-166, Thokar No. 5, Abul Fazal Enclave, Jamia Nagar, New Delhi-110025*.



3. Learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”) has handed over to this Court a Status Report dated 05th August, 2026, which is taken on record. In the said Status Report, it is stated as follows:

“xxx xxx xxx

4. That, further it is most respectfully submitted that aggrieved with the actions as initiated/ taken by this answering respondent/ MCD, the Owner/ Builder of the subject property has filed an Appeal before the Appellate Tribunal, MCD in Appeal No. 847/2025 and the Appellate Tribunal, MCD vide its order dated 11.02.2026 has directed that till next date of hearing, no coercive action be taken against the property of the appellant. Next date of hearing in the matter is now fixed for 21.08.2026. Copies of the relevant orders, as passed by the Appellate Tribunal, MCD are annexed herewith as **Annexure: A.**

xxx xxx xxx”

4. Perusal of the aforesaid Status Report shows that the owner/occupier of the property in question has already approached the Appellate Tribunal, MCD (“ATMCD”) in *Appeal 847/2025*. Further, *vide* order dated 11th February, 2026, the ATMCD has directed that no coercive action be taken against the property in question.

5. The order dated 11th February, 2026, passed by the ATMCD in *Appeal 847/2025*, reads as under:



A.No. 847/25

11.02.2026

Present : Sh. Umang Tyagi, Id. counsel for the appellant through VC and Sh. Siddharth Sharma, Ld. Proxy counsel for the appellant in person.
Sh. Atul Tanwar, Ld counsel for the respondent through VC.
Ms. Anshika, Id. proxy counsel for the respondent along with Sh. Nitin Bharti, AE(B) in person. Fresh Vakalatnama filed, same is taken on record

File is taken up today on an application of early hearing filed on behalf of the appellant.

The next date of hearing in the matter is 03.03.2026. The appeal is of the year 2025. In view of the heavy pendency, no early hearing is possible. The application is dismissed.

Status report is filed by the MCD, copy supplied.

The record has been produced. It be deposited with Registry.

Put up on the date fixed i.e. **03.03.2026** for the purpose fixed. However, Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the impugned order. However, it is made clear that no encroachment on the public land is protected.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.02.2026

6. Subsequently, the said interim order has been continued by



subsequent orders by the ATMCD.

7. At this stage, this Court also notes the submission made by learned counsel appearing for respondent no. 5, the owner/occupier of the property in question, who has handed over to this Court an order dated 15th April, 2026, passed by the ATMCD, which reads as under:

A.No. 847/25

15.04.2026

Present : Sh. Umang Tyagi, Sh. Zuber Ali, Sh. Siddharth Sharma and Ms. Khushi Anand, Ld counsels for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.
Sh. Sadik, Ld. counsel for the respondent no. 2. Fresh Vakalatnama filed, same is taken on record

Ld. counsel for the appellant submits that the subject property is situated in the list of colonies notified by the Government on 08.04.2026 for regularization 'as and where basis' and appellant seeks some time to apply for regularization application once the portal is opened on 26.04.2026.

Ld. counsel for the respondent no. 2 seeks some time to file the reply. Let the reply, if desired, be filed with advance copy to the other side.

At request, put up for further proceedings on **21.08.2026**.
Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
15.04.2026

8. By referring to the aforesaid order, it is the submission made by



learned counsel appearing for respondent no. 5 that a notification dated 08th April, 2026 by the Government of India has already been issued, wherein, the process for regularisation on 'as is where is' basis has been initiated in respect of properties located in the colonies as provided therein.

9. Learned counsel appearing for respondent no. 5 submits that respondent no. 5 is also in the process of applying for the same.

10. *Per contra*, learned counsel appearing for the petitioner submits that an application for regularisation has already been filed on behalf of respondent no.5, to which the petitioner has raised objection.

11. Be that as it may, since there are orders passed by the ATMCD, wherein, it has been directed that no coercive action be taken against the property, which is subject matter of the present petition, there is no occasion for this Court to pass any further orders.

12. Clearly, the MCD is not in a position to take any further action against the property in question at the moment.

13. Accordingly, no further orders are required to be passed in the present petition.

14. The present petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 10, 2026

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