



2025:DHC:3839



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 15.05.2025**+ **W.P.(C) 6522/2025 & CM APPL. 29685/2025****ANIJAY TYAGI**

.....Petitioner

Through: Mr. Sanjay Bhardwaj, Advocate  
M:9212143124  
Mr. Yogesh Kumar Rajput with Mr.  
Vijay Kumar Dwivedi, Advocates

versus

**MCD OF DELHI & ORS.**

.....Respondents

Through: Ms. Sanam Tripathi and Mr. A.  
Mittal, Advocates

**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. The present writ petition has been filed for setting aside the demolition order dated 30<sup>th</sup> April, 2025, issued by the Office of the Assistant Engineer (Bldg.)-II, Civil Lines Zone, Municipal Corporation of Delhi ("MCD").
2. Learned counsel appearing for the petitioner submits that the petitioner is the owner of the property bearing *Plot No.321, Gali No.3 (known as 3/321), Nirankari Colony, Delhi-110009*.
3. It is the submission of the learned counsel for the petitioner that the petitioner, is the *bona fide* purchaser of the said plot, and after getting the building plan sanctioned, the petitioner has raised construction therein.



4. He, thus, submits that there is no unauthorized construction in the property in question.

5. *Per contra*, learned counsel appearing for the respondents/Municipal Corporation of Delhi (“MCD”), on advance notice, submits that there are deviations on all the floors existing in the property in question. She submits that the petitioner has raised projection on the public land, which is beyond the sanctioned building plan. She, thus, submits that the said deviations have to be removed by the petitioner.

6. At this stage, learned counsel appearing for the petitioner submits that the petitioner has not been informed about any specific deviations. He further submits that in case the deviations are indicated to the petitioner, the petitioner shall remove the same.

7. Accordingly, it is directed as follows:-

(i) The petitioner shall approach the office of the Executive Engineer, Building-II, Civil Line Zones, MCD, at *16, Rajpur Road, New Delhi*, within a period of 10 days, from today.

(ii) Upon the petitioner approaching the respondent/MCD, the MCD shall provide a list of deviations/excess coverage in the construction done by the petitioner.

(iii) The MCD shall point out such deviations/excess coverage existing in the property, to the petitioner within a period of one week of the petitioner approaching the respondents/MCD.

(iv) Upon the petitioner being pointed out the specific deviations/excess coverage, the petitioner shall proceed to remove the said deviations/excess coverage, within a period of four weeks, from such intimation.



2025:DHC:3839



- (v) In case any such deviations/excess coverage, are of compoundable nature, the petitioner shall accordingly move an appropriate application before the respondents/MCD, for regularization of the said construction.
- (vi) Upon receipt of any application for regularization, the MCD shall proceed to decide the said application of the petitioner for regularization of the excess coverage/any deviation, which is compoundable in nature.
- (vii) It is directed that the aforesaid process be completed within a period of ten weeks, from today.
- (viii) No coercive action shall be taken against the petitioner for a period of ten weeks, from today.
- (viii) It is clarified that in case, deviations still remain in the property in question, which are not removed by the petitioner, and which are not compoundable, the MCD is at liberty to take action, in accordance with law.
8. With the aforesaid directions, the present writ petition, along with pending application, is disposed of.

**MINI PUSHKARNA, J**

**MAY 15, 2025/akr**