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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 18th December, 2025**

+ W.P.(C) 2258/2020, CM APPL. 43837/2021 & CM APPL. 43838/2021

VIRENDER

.....Petitioner

Through: Petitioner in person
Email: parmani26@yahoo.com.
Mob: 8711422593

versus

NORTH DELHI MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER & ORS.RespondentsThrough: Mr. Prithish Sabharwal, Advocate for
MCD
Mob: 9871878696
Email: prithishsabharwal1@gmail.com
Mr. Gurpreet Singh, Advocate for R-7
Mob: 9868220903
Email:
gurpreetsingh767.04@gmail.com
Mr. Vivek Gupta, Advocate for R-8**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present petition has been filed by the petitioner, residing at *Flat No. 308, Hakikat Nagar, Delhi*, seeking action against the unauthorized construction in *Flat Nos. 306 and 307, Hakikat Nagar, Kingsway Camp, Delhi-110009*.
2. The present writ petition has been pending since the year 2020.
3. Learned counsel appearing for the Municipal Corporation of Delhi ("MCD") draws the attention of this Court to the various Status Reports filed on behalf of MCD.



4. The Status Report dated 07th February, 2022, filed on behalf of MCD, reads as under:

“xxx xxx xxx

3. That the property had been inspected by the officials of answering respondent on 04.02.22 and colored photographs of subject properties is being enclosed

herewith and marked as **Annexure ‘A’**. The property wise details are as under:-

PROPERTY NO. 308, HAKIKAT NAGAR

It is most respectfully submitted that the property is situated on first floor & second floor (above ground floor property no 307, Hakikat Nagar) . As per record, the unauthorized construction in the shape of one toilet at first floor, two rooms at second floor had been booked vide file no. 19/B/UC/CLZ/08 dt. 12.02.2008 and after following due process of law, demolition order had been passed. Further action shall be taken in due course of time as per policy of the corporation.

PROPERTY NO. 307, HAKIKAT NAGAR

It is most respectfully submitted that the property is situated on ground floor and as per record the U/c in the shape of coverage of open court yard in rear open and in front open had been booked vide file no. 18/B/UC/CZL/08 dt. 12.02.2008 and again unauthorized construction/re-construction in the shape of coverage of open space/passage at front court yard had been booked vide file no. 160/C-12/B/UC/CLZ/2012 dt. 17.09.2012 and after following due process of law, demolition order had been passed. Further action shall be taken in due course of time as per policy of the corporation. That office of Executive Engineer (Maintenance-1) had taken encroachment removal action on service lane. The photograph taken during encroachment removal program had been annexed herewith and marked as **Annexure ‘B’**. However, further action had been kept

of Oath Commissioner



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in abeyance in terms of order of this Hon'ble Court dated 07.12.2021.

PROPERTY NO. 306, HAKIKAT NAGAR

It is most respectfully submitted that the property is situated on first floor & Second floor (above ground floor property no 305, Hakikat Nagar). As per record u/c in the shape of one room, toilet, kitchen, bathroom at first floor, second floor had been booked vide file no. 301 dt. 25.11.2005. Further action shall be taken in due course of time as per policy of the corporation.

xxx xxx xxx''

5. The MCD took action against the *Flat No. 307*, with respect to removal of temporary encroachment from the front court yard. The photographs with regard to the same are reproduced as under:

H.NO-307 HAKIKAT NAGAR BEFORE IN FRONT SIDE





AFTER



6. This Court notes that *vide* order dated 07th December, 2021, a *status quo* order was passed with respect to *Flat No. 307* by this Court, in the following manner:

“xxx xxx xxx

7. *In the meantime, the respondents are directed not to take any coercive action against the property of the Respondent No. 7 i.e. 307, Hakikat Nagar, Kingsway Camp, Delhi.*

xxx xxx xxx”

7. However, at this stage, this Court is informed that though order dated 07th December, 2021 was passed granting interim protection *qua Flat No. 307*, action against the temporary encroachment in the front courtyard, had already been taken by the MCD prior to the order dated 07th December, 2021.

8. Subsequently, another Status Report dated 28th March, 2025, was filed on behalf of MCD, wherein, it was stated that encroachment removal action



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was taken on 10th March, 2025, for removal of encroachment in the back lane of *Flat No. 307*. The relevant portions of the said Status Report, reads as under:

“xxx xxx xxx

3. That the petitioner has filed rejoinder and the copy of the same was provided in the office of department. As per the rejoinder, petitioner has mentioned that respondent has encroached upon govt. land. The site was inspected and upon inspection it was noticed that a room has been constructed in the back lane of the flat no. 307 by encroaching upon public land. An encroachment removal action was taken on 10.03.2025 and removed the encroachment in back lane of the flat no. 307. The photographs taken before and after encroachment removal action are enclosed herewith as “Annexure A colly”.

xxx xxx xxx”

9. The photographs showing the action taken by the MCD on 10th March, 2025, are reproduced as under:





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10. Yet again, another Status Report has been filed by the MCD on 05th May, 2025, relevant portions of which, are reproduced as under:

“xxx xxx xxx

That as per record, the owner/occupier of flat no. 307, Hakikat Nagar has carried out unauthorized construction in the shape of coverage of open courtyards in rear portion and in front open portion which were booked vide file no.

18/B/UC/CLZ/08 dated 12.02.2008 and again unauthorized construction/re-construction in the shape of coverage of open space/passage at front courtyard which was booked vide file no. 160/C-12/B/UC/CLZ/2012 dated 17.09.2012.



4. That vide order dated 07.12.2021, Hon'ble court directed not to take any coercive action against the property of the respondent no. 7 i.e. 307, Hakikat Nagar, Kingsway Camp. The site was inspected on 05.05.2025, upon inspection, no new construction activity was noticed in flat no. 307, Ground Floor. The structure is same which was in existence at the time of booking of the year 2012. The photographs taken at site are enclosed herewith as **Annexure 'A'**. However, it is submitted that a room was construction in the back lane of the flat no. 307 by encroaching upon public land has already been removed on 10.03.2025 by the Maintenance Division-I/CLZ.

”

11. During the course of hearing before this Court, this Court was informed that the construction in *Flat No. 306* had been regularized. Thus, the MCD was directed to file a latest Status Report with regard thereto.

12. Accordingly, a Status Report dated 11th December, 2025, has come to be filed on behalf of MCD, which reads as under:

“xxx xxx xxx

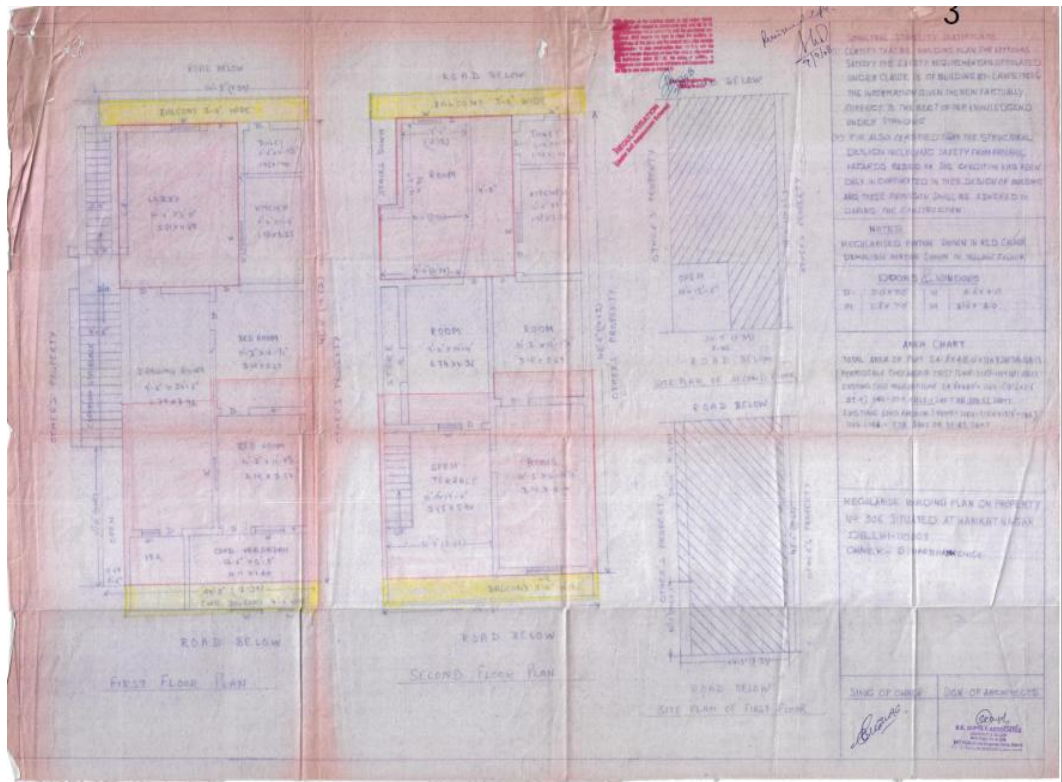
3. That as per record, the flat in question was constructed by L&DO in the shape of ground floor & first floor. The owner/occupier of flat no. 306, Hakikat Nagar has carried out unauthorized construction in the shape of room, toilet, kitchen & bathroom at first floor & second floor with S/C which was booked vide file no. 301/B/UC/CLZ dt. 25.11.2005. The unauthorized construction was regularized vide file





no. 363/Reg./B/CLZ dt. 09.09.2008 under Self Assessment Scheme, after paying compoundable charges subject to demolition of yellow portion. Copy of plan is enclosed herewith as **"Annexure A"**. While regularizing unauthorized construction, owner of the property submitted an affidavit that he will demolish the yellow portion shown in the plan within two months from the date of regularization of unauthorized construction. Copy of the affidavit dt. 12.09.2007 is enclosed herewith as **"Annexure B"**.

13. Along with the said Status Report, a regularization plan has also been attached, which is reproduced as under:



14. This Court takes note of the submission made by learned counsel appearing for the MCD that the yellow portions, shown as aforesaid, are non-compoundable deviations, which have to be removed.
15. Accordingly, liberty is granted to the MCD to take requisite action against the non-compoundable deviations in *Flat No. 306*, in accordance



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with law.

16. In case, the owner/occupier of *Flat No. 306* is aggrieved by any action on the part of the MCD, his right to seek his remedies, in accordance with law, is reserved.

17. Further, the MCD is also at liberty to take action against the unauthorized construction existing in the property of the petitioner, i.e., *Flat No. 308*, if required to be taken.

18. The MCD is directed to ensure that, in case of any further encroachment or unauthorized construction by the aforesaid flat owners, including, covering of the front courtyard or the back courtyard, requisite action shall be taken by the MCD.

19. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 18, 2025

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