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

% **Date of Decision: 28th July, 2026**

+ **CONT.CAS(C) 400/2024 & CM APPL. 25617/2024**

DEEPAK SHARMAPetitioner

Through: **Mr. K.K. Sharma, Adv.**

Mob: 9818140429

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kksharmaadvocate@gmail.com

versus

NARESH KUMAR & ANR.

.....Respondents

Through: **Mr. Arjun Singh Bawa, Mr. Sahil Gupta and Mr. Apoorva Pradhan, Adv. for Proposed Respondent Nos. 3 & 4**

Mob: 9758777845

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed alleging wilful disobedience of the order dated 01st September, 2023 passed by the Division Bench of this Court in *LPA 316/2020*, wherein, directions had been issued to the Municipal Corporation of Delhi ("MCD"), to demolish the illegal and unauthorised construction on the terrace above *Flat No. C-3/3057 to C-3/3064, Vasant Kunj, New Delhi*.
2. An updated Status Report dated 24th March, 2026 has been filed on behalf of the MCD, wherein, with regard to the structure over the terrace, it



is stated as follows:

“xxx xxx xxx

B. Unauthorized construction in respect of flat bearing No. C-3/3064, (Top floor flat), Vasant Kunj, New Delhi.

- i. So as to ascertain the latest / present status, the site in question has been got inspected through area field staff of Building Department –II of South Zone – MCD and it has been informed that the booked unauthorized construction is lying demolished in terms of the earlier actions taken by the department and the demolished structure is uninhabitable condition except the staircase and part demolition portion over the said staircase leading to mumty. The photographs showing the latest site position are annexed herewith as Annexure –I (Colly).

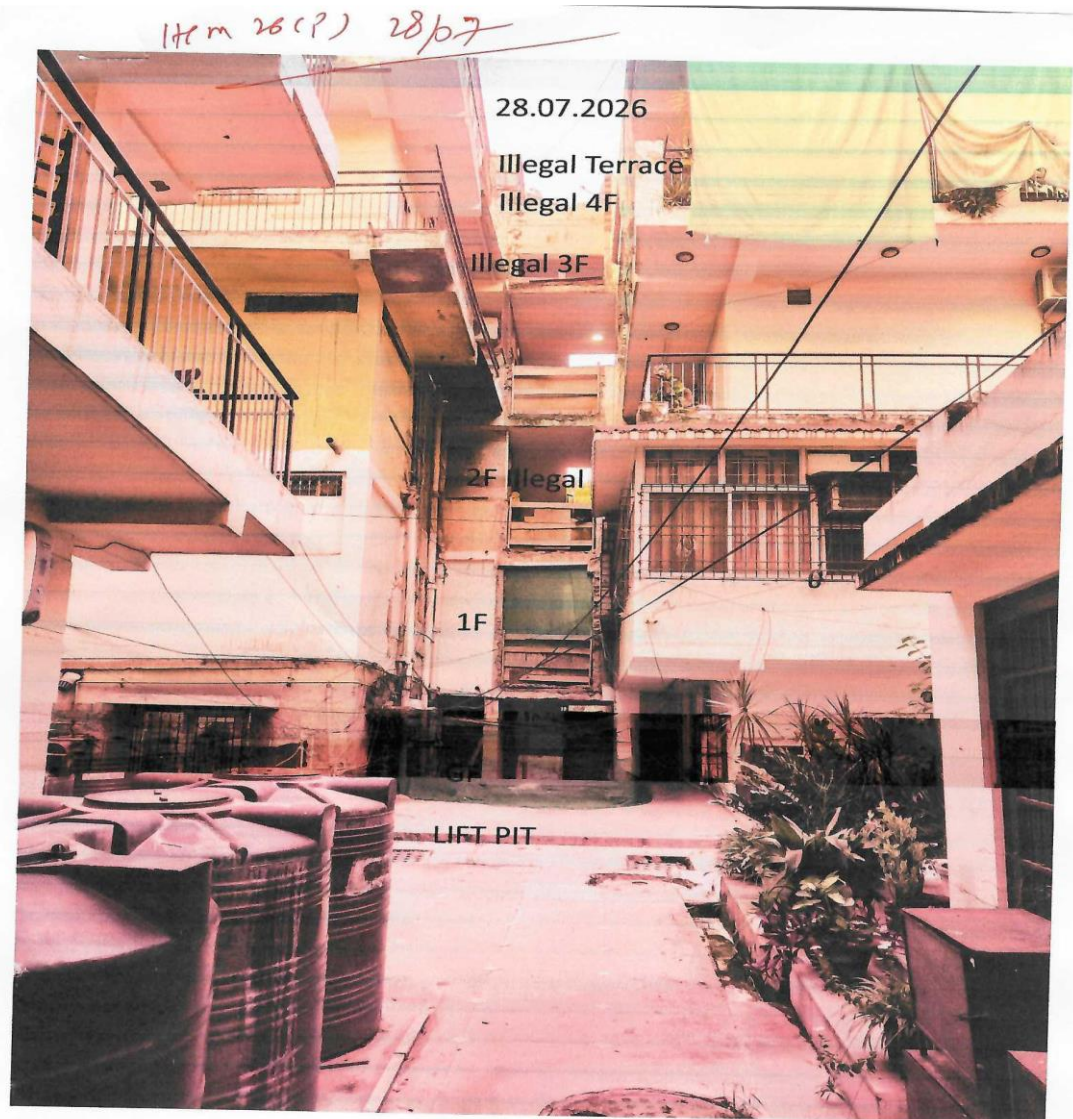
3. In response, learned counsel appearing for the petitioner has handed over to this Court a photograph to show that the structure on the terrace of the building in question, still exists.



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4. The said photograph is reproduced as under:



5. This Court notes the submission made by learned counsel appearing for the MCD that the structure is lying uninhabitable.
6. Learned counsel appearing for one of the private parties submits that the structure for the purposes of installation of the lift has been removed and



no construction in that regard, exists as on date.

7. He further submits that the occupants of the building, who are residents of second and third floor, have already applied for permission for installation of the lift and they have already received approval from the MCD on 13th November, 2025.

8. He further submits that in view of the pendency of the present petition, no further action was taken for the purposes of installation of the lift.

9. Accordingly, it is directed that any action which is taken for installation of the lift, shall be taken in accordance with law, after due approval from the requisite authorities.

10. As regards the structure which is existing on the terrace of the building, the MCD is directed to remove the said structure completely.

11. Let the needful be done by the MCD expeditiously, preferably within a period of period of six weeks, from today.

12. With the aforesaid directions, the present petition is disposed of.

13. However, for the purposes of filing of compliance affidavit, list before the Joint Registrar on 01st October, 2026.

14. Let Compliance Affidavit be filed by the MCD, before the next date of hearing before the Joint Registrar.

15. Needless to state, in case the petitioner is aggrieved by any non-action or action on the part of the respondent, the petitioner is at liberty to seek his remedies, in accordance with law.

MINI PUSHKARNA, J

JULY 28, 2026/ak