



2026:DHC:8525-DB



\$~58

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

%

Date of Decision : 25.09.2026# **CNR No. DLHC010461012026**+ **LPA 781/2026**

SENIOR CITIZEN NEELAM KOHLI

.....Appellant

Through: Dr. Gaurav Manuja, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

THROUGH ITS COMMISSIONER

.....Respondent

Through: Mr. Pritish Sabharwal, Standing
Counsel for MCD.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)****CM APPL. 66405/2026 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

LPA 781/2026

3. The present *intra court* Appeal assails the order dated 21.08.2026 (“**Impugned Order**”) passed in W.P.(C) 12205/2026 (“**Writ Petition**”) filed by the Appellant.
4. The Appellant owns property bearing No. C-3/309, Janakpuri, New Delhi (“**Subject Property**”). The Delhi Development Authority conveyed the Subject Property to the Appellant by a registered Conveyance Deed dated 20.11.2020.

Signature Not Verified

Signed By: NEELAM
SHARMA
Signing Date: 29.09.2026
20:06:31

LPA 781/2026

Page 1 of 8



5. In 2022, the Appellant constructed a residential building on the Subject Property comprising a stilt and the Ground, First, Second, and Third Floors. By a registered Gift Deed dated 30.08.2022, the Appellant later gifted the First Floor to her brother.
6. The Appellant's neighbour owns the adjoining property bearing No. C-3/310, Janakpuri, New Delhi ("**Adjoining Property**"). The neighbour filed W.P.(C) No. 4413/2026, alleging unauthorised construction of the Fourth and Fifth Floors at the Subject Property. By order dated 28.04.2026, this Court disposed of the petition after noting the Status Report filed by the Municipal Corporation of Delhi ("**MCD**"), which stated that unauthorised construction had been found at the Subject Property and that a Show Cause Notice dated 02.04.2026 ("**Show Cause Notice**") had been issued to the Appellant.
7. The Appellant then filed W.P.(C) No. 6946/2026 challenging the Show Cause Notice, *inter alia*, on the ground that it was vague and did not identify the alleged unauthorised construction, the affected portion of the Subject Property, or the nature of the deviation. By order dated 19.05.2026, the said petition was disposed of as premature, with liberty to the Appellant to pursue appropriate remedies in accordance with law if a demolition order was passed.
8. The Adjoining Property had earlier been booked for unauthorised construction by a show cause notice dated 21.10.2025. By communication dated 23.10.2025, the MCD also requested the SHO, P.S. Janakpuri, to take action under Section 344(2) of the Delhi Municipal Corporation Act, 1957 ("**DMC Act**") in respect of the Adjoining Property.



9. The MCD thereafter passed a demolition order dated 19.06.2026 (“**Demolition Order**”) concerning the Subject Property. The Appellant challenged the Demolition Order before the learned Appellate Tribunal, Municipal Corporation of Delhi (“**ATMCD**”). By order dated 08.07.2026, the ATMCD protected the Appellant from coercive action under the Demolition Order, except in relation to the construction on the Fourth Floor of the Subject Property.

10. The Appellant thereafter received a Vacation Notice dated 28.07.2026 (“**Vacation Notice-I**”) under Section 349 of the DMC Act concerning the alleged unauthorised construction on the Fifth Floor of the Subject Property. The MCD also issued a notice dated 29.07.2026 under Section 435 of the DMC Act (“**Demolition Notice**”), informing the Appellant that demolition or sealing action had been scheduled in relation to that construction.

11. The Appellant then filed W.P.(C) No. 11209/2026 challenging Vacation Notice-I and the Demolition Notice. By order dated 07.08.2026, the petition was disposed of after the MCD admitted that Vacation Notice-I had inadvertently referred to the Fifth Floor instead of the Fourth Floor of the Subject Property. The MCD was directed to issue a fresh vacation notice, and no coercive steps were to be taken against the Appellant until then.

12. The Appellant subsequently submitted a representation dated 08.08.2026 to the Commissioner, MCD (“**Representation**”) alleging misconduct by the concerned officials of MCD, including issuing notices without a physical inspection, fabricating or failing to verify the notices, and demanding illegal gratification. She sought a thorough enquiry and appropriate legal action against those officials.



13. The MCD thereafter issued a vacation notice dated 11.08.2026 (“**Vacation Notice-II**”) to the Appellant concerning the alleged unauthorised construction on the Fourth Floor of the Subject Property.

14. The Appellant then filed the Writ Petition, *inter alia*, seeking directions to the MCD to enquire into the Representation and take appropriate disciplinary action against the officials concerned. By the Impugned Order, the learned Single Judge dismissed the Writ Petition, holding that there was no infirmity in the MCD’s action because the ATMCD had not granted interim protection in respect of the construction on the Fourth Floor of the Subject Property.

15. Aggrieved by the Impugned Order, the Appellant filed the present Appeal.

16. Learned Counsel for the Appellant submitted that the learned Single Judge failed to adjudicate upon the relief sought by the Appellant in the Writ Petition, namely, an enquiry into the conduct of the officials pursuant to the Representation. Instead, the Writ Petition was dismissed by deciding issues in respect of which no relief had been sought. It was further submitted on behalf of the Appellant that the learned Single Judge failed to appreciate that the Writ Petition was not an appeal against the Vacation Notices and did not seek adjudication upon the legality of the structure on the Subject Property, which was already *sub judice* before the ATMCD.

17. Learned Counsel for the Appellant further submitted that the learned Single Judge failed to consider that Vacation Notice-I and the Demolition Notice were issued in respect of a non-existent Fifth Floor and without any site inspection, and that the said error was conceded by the MCD before this Court in W.P.(C) No. 11209/2026. It was submitted on behalf of the



Appellant that the issuance of coercive notices in respect of a non-existent structure, followed by the issuance of further vacation notices, constituted *prima facie* evidence of a *mala fide* attitude on the part of the concerned officials of the MCD.

18. It was submitted on behalf of the Appellant that the Adjoining Property had been booked for blatant unauthorised construction as early as on 21.10.2025, but no demolition or other coercive action had been taken against the Adjoining Property. In contrast, the Subject Property had been subjected to repeated coercive notices, allegations of unauthorised construction on the alleged Fourth and Fifth Floors of the Subject Property, and threats of coercive action in respect thereof. Learned Counsel for the Appellant submitted that the learned Single Judge failed to appreciate that the MCD had acted with bias and subjected the Appellant to differential and selective treatment, in violation of Article 14 of the Constitution.

19. It was further submitted on behalf of the Appellant that municipal officials exercising statutory powers under the DMC Act perform a public trust and that in view of the specific and grave allegations of bribery and fabricated site reports raised in the Representation, the Representation ought to have been examined by an independent vigilance wing and disposed of by a reasoned order.

20. Learned Counsel for the Respondent submitted that the Appellant had herself carried out unauthorised construction on the Subject Property and had instituted the present Writ Petition with a view to avoiding the consequences arising therefrom.

21. We have heard learned Counsel for the Parties and perused the material placed on record.



22. The principal grievance raised by the Appellant is that the learned Single Judge failed to consider the relief sought in the Writ Petition. According to the Appellant, the Writ Petition did not seek adjudication upon either the legality of the construction at the Subject Property or the action taken pursuant to the Demolition Notice, matters which are pending consideration before the ATMCD. Rather, the relief sought therein was confined to a direction to the MCD to conduct an enquiry into the allegations made in the Representation concerning the conduct of its officials and to take appropriate disciplinary action.

23. The Appellant has principally relied upon the issuance of Vacation Notice-I and the Demolition Notice in respect of the Fifth Floor of the Subject Property. It is undisputed that, in W.P.(C) No. 11209/2026, the MCD acknowledged that Vacation Notice-I had inadvertently referred to the Fifth Floor instead of the Fourth Floor of the Subject Property. Upon taking note of the said position, this Court, *vide* order dated 07.08.2026, directed the MCD to issue a fresh vacation notice and further directed that no coercive steps be taken until such notice was issued. Thereafter, Vacation Notice-II was issued in respect of the Fourth Floor of the Subject Property.

24. The error in Vacation Notice-I was thus acknowledged by the MCD and rectified pursuant to the order dated 07.08.2026. Accordingly, the erroneous reference to the Fifth Floor of the Subject Property in Vacation Notice-I cannot, by itself, lead to the conclusion that the officials concerned acted with *mala fide* intent.

25. The relief sought in the Writ Petition was for issuing a direction to the MCD to conduct an enquiry into the Representation and to take appropriate disciplinary action against the officials concerned. The allegations raised by



the Appellant in the Representation, including the alleged absence of a physical inspection, fabrication of site reports, and demand for illegal gratification, pertain to the conduct of the officials concerned and do not warrant examination by this Court in the present proceedings. In the facts and circumstances of the case, we find no ground to prescribe the manner in which the Representation is to be considered or to direct the MCD to conduct an enquiry or initiate disciplinary proceedings against the officials concerned. It is entirely prerogative of the MCD to conduct any inquiry against its own officials and this Court cannot issue writ of *mandamus* for conducting such inquiry.

26. We are also unable to accept the Appellant's submission that the action taken in respect of the Adjoining Property establishes differential or selective treatment. The material placed on record indicates that the Adjoining Property was booked for unauthorised construction *vide* Show Cause Notice dated 21.10.2025 and that, *vide* communication dated 23.10.2025, the MCD requested the SHO, P.S. Janakpuri, to take action under Section 344(2) of the DMC Act. The mere fact that the nature or stage of the action taken in respect of the Adjoining Property is stated to differ from that taken in respect of the Subject Property does not, by itself, establish differential or selective treatment warranting the relief sought in the Writ Petition.

27. For the foregoing reasons, we find no ground to interfere with the view taken by the learned Single Judge in the Impugned Order.



2026:DHC:8525-DB



28. Accordingly, the present Appeal is dismissed. All pending Applications stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 25, 2026

HK

Signature Not Verified

Signed By: NEELAM
SHARMA
Signing Date: 29.09.2026
20:06:31

LPA 781/2026

Page 8 of 8