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

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Date of Decision: 5th February 2026

+ W.P.(C) 1645/2026, CM APPL. 8022/2026 & CM APPL. 8023/2026

MANNO DEVIPetitioner

Through: Mr. Rajesh Yadav, Sr. Advocate with
Mr. V.P. Rana, Advocate.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Rakesh Malhotra, Mr. Bharat
Malhotra and Ms. Smritika Kesri,
Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed by the petitioner seeking quashing of the order dated 23rd January 2026 passed by the respondent/MCD on the regularisation application filed by the petitioner on 29th October, 2025 in respect of property bearing *Khasra No.132/2, Area Khasra No.113/2 Measuring 290 Square Yards (Built-Up Area 242 Square Meters), Village Wazirabad, Near Biodiversity Park, Delhi-110084*.

2. The facts necessary for deciding the present petition are as follows:

2.1. The petitioner claims to be the owner and in settled possession of the subject property. The petitioner asserts that she acquired the said property through General Power of Attorney, Agreements to Sell,



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Wills, Receipts, Possession Letters and other allied documents.

- 2.2. It is stated that the petitioner has raised constructions on the said property, comprising four floors, *i.e.* ground, first, second and third floor and a stair cover and water tank above the third floor. In respect thereof, the respondent/MCD booked the subject property and issued a demolition order dated 12th March 2024, followed by orders dated 5th August 2024, 5th December 2024, in respect of the unauthorised construction carried out by the petitioner in the subject property.
- 2.3. The petitioner submitted replies thereto on 19th March 2024 and 12th July 2024, 6th December 2024, contending that the said construction was undertaken on account of the building structure being old.
- 2.4. The petitioner preferred a writ petition before this Court, being W.P. (C) No.13833/2025, wherein *vide* order dated 9th September 2025, an interim protection was granted until the hearing on the stay application takes place before the Appellate Tribunal MCD.
- 2.5. Pursuant to the aforesaid order, the petitioner submitted an application for regularisation on 29th October, 2025, before the respondent/MCD. The respondent/MCD, *vide* impugned order dated 23rd January 2026, rejected the regularisation application on the ground that the petitioner had failed to produce valid title documents in the nature of a registered sale deed.
- 2.6. Thereafter, a demolition notice dated 30th January 2026, was also issued by the respondent/MCD.
- 2.7. Aggrieved by the rejection of her regularisation application, the petitioner has approached this Court by way of the present writ



petition.

3. It is the case of the petitioner that the respondent/MCD has rejected the application of the petitioner on an erroneous ground that the petitioner is not the owner of the property in question, as the petitioner has failed to produce any title documents in her favour.
4. The earlier writ petition filed by the petitioner being, W.P.(C) 17435/2025, was disposed of *vide* order dated 17th November, 2025 with the following directions:-

“3. Accordingly, MCD is directed to consider and decide the regularization application of the petitioner in a time bound manner within four weeks from today.

4. At the time of consideration of the application for regularization of the petitioner, the petitioner shall be called for hearing and proper directions shall be passed after considering the reply and documents submitted by the petitioner.

5. The petitioner shall comply with all the directions issued by the MCD, including, removal of any excess coverage and non-compoundable deviations.

6. In case, the directions passed by the respondent-MCD are not complied by the petitioner for removal of non-compoundable deviations and excess coverage, the MCD shall be at liberty to take action in accordance with law.

7. It is further directed that during the pendency of the regularization application, no coercive action shall be taken against the property of the petitioner.”

5. Mr. Rajesh Yadav, senior counsel appearing on behalf of the petitioner, submits that under Section 343 of the Delhi Municipal Corporation Act, 1957 (hereinafter ‘DMC Act’), there is no requirement for a person to be the owner of the property in respect of which unauthorised construction has been carried out.



6. A reference may be made to Section 343 (1) of the DMC Act, which is set out below:-

“343. Order of demolition and stoppage of buildings and works in certain cases and appeal.—(1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period, (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person), as may be, specified in the order of demolition:

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which any appeal against the order of demolition, if made, may be preferred under sub-section (2).”

[Emphasis supplied]

7. A perusal of the aforesaid provision makes it clear that the demolition has to be carried out by the person on whose instance the erection work has been commenced. Even the notices issued by the respondent/MCD are directed to the “owner/occupant” of the subject property. Hence, there is no requirement for the said person to be the owner of the said property, he can



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be an occupant also without being an owner.

8. Accordingly, in my considered view, the ground for rejection of the regularisation application filed on behalf of the petitioner, *i.e.* that the petitioner has not produced any title document in respect of the subject property, is erroneous.

9. Accordingly, the impugned order dated 23rd January, 2026 is set aside and the respondent/MCD is directed to consider the application for regularisation filed by the petitioner in accordance with law and in terms of the directions passed by this Court on 17th November, 2025.

10. Till the time the regularisation application is decided by the respondent/MCD, no coercive steps shall be taken against the property of the petitioner.

11. The writ petition, along with pending applications, stands disposed of.

AMIT BANSAL, J

FEBRUARY 5, 2026

Vivek/-

CORRECTED AND UPLOADED ON 10.02.2026