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

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*Date of decision: 19<sup>th</sup> January, 2026*

+ W.P.(C) 11652/2024, CM APPL. 48394/2024 & CM APPL. 62993/2024

MUNIZA BEGUM@JAHAN ARA

.....Petitioner

Through: Mr. Samman Vardhan Gautam, Ms. Khushi Sharma, Mr. Priyam Tiwari and Ms. Anshika Pryadarshini, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS. ....Respondent

Through: Mr. Tushar Sannu and Ms. Ishika Jain, Advocates for R-1.  
Mr. Aurangzeb Khan and Mr. Ahmad Parvez, Advocates for R-2.  
Mr. Ayush Gupta, Advocate for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**AMIT BANSAL, J. (Oral)**

1. The present writ petition has been filed seeking setting aside of the de-sealing order dated 8<sup>th</sup> January, 2024 and the impugned order dated 13<sup>th</sup> June, 2024 passed by the respondent no.1/ Municipal Corporation of Delhi ('MCD'). Further direction is sought against the respondent no.1 to demolish the unauthorized construction of 4<sup>th</sup> and 5<sup>th</sup> Floor of the property bearing No. 14, Khasra No. 176, Lane No.1, Johri Farm, Jamia Nagar, New Delhi – 110025 (hereinafter the 'subject property').



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2. It is the case of the petitioner that the unauthorized construction has been carried by the respondents no.2 and 3 of the 4<sup>th</sup> and 5<sup>th</sup> Floor of the subject property. Petitioner is residing at the ground floor of the subject property since 1998-99. The details of current status of construction as well as the owners/occupiers of the subject property are given in paragraph 4 of the petition.

3. On 21<sup>st</sup> October, 2021, the respondent no.1/MCD issued a Show Cause Notice with respect to the unauthorized 4<sup>th</sup> floor of the subject property.

4. It is averred that the petitioner lodged a complaint with the respondent no.1/MCD in respect of unauthorized construction undertaken by the respondent no.2/Mr. Naseem Khan.

5. Aggrieved by the non-action of the respondent no.1/MCD, a writ petition being W.P.(C) 12144/2021 was filed by the petitioner raising the issue of unauthorized construction of the 5<sup>th</sup> Floor of the property. A counter-affidavit was filed on behalf of the respondent no.2 herein in W.P.(C) 12144/2021, wherein it was admitted that he purchased the 5<sup>th</sup> Floor of the subject property ad-measuring 200 sq. ft. from one Mr. Haneef and subsequently, sold the front portion of 5<sup>th</sup> Floor ad-measuring 120 sq. ft. to one Mrs. Anis Fatima/respondent no.3 herein.

6. *Vide* order dated 27<sup>th</sup> January, 2023, the earlier writ petition being W.P.(C) 12144/2021 was disposed of with a direction that the respondent no.1/MCD shall take action in accordance with law within four (4) months from the said date.

7. It is the case of the petitioner that on 21<sup>st</sup> June, 2023, the respondent/MCD carried out demolition action in part on the 4<sup>th</sup> floor of the



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subject property. Despite several reminders and requests, the respondent/MCD did not complete the demolition action in terms of order dated 27<sup>th</sup> January, 2023 and hence, the petitioner was constrained to make representations before the Office of Lieutenant Governor and Special Task Force, Delhi Development Authority. However, no action was taken by the aforesaid authorities.

8. Subsequently, a Contempt Petition being CONT.CAS(C) 1214/2023 was filed, which was disposed of *vide* order dated 28<sup>th</sup> August, 2023 on the basis of the statement made on behalf of the respondent/MCD that the demolition action has been taken and in the event any further demolition is required, the same shall be undertaken within four (4) weeks. In the aforesaid order, liberty was granted to the petitioner to revive the contempt petition in case she continues to be aggrieved by the non-action.

9. It is the case of the petitioner that despite giving an undertaking before the Court in the Contempt Petition, the respondent no.1/MCD did not take requisite action against the unauthorised construction of the 4<sup>th</sup>/5<sup>th</sup> Floor of the subject property. Hence, the petitioner filed a revival application before this Court seeking revival of the Contempt Petition, which was dismissed *vide* order dated 2<sup>nd</sup> April, 2024.

10. A de-sealing order dated 8<sup>th</sup> January, 2024 was passed by the respondent no.1/MCD. The aforesaid de-sealing order was once again challenged by the petitioner *vide* writ petition being W.P. (C) 5578/2024. The said writ petition was disposed of by the Coordinate Bench *vide* order dated 23<sup>rd</sup> April, 2024, directing the respondent no.1/MCD to pass a speaking order after affording an opportunity of hearing to the petitioner as well as the other owners/occupiers of the subject property. Pursuant to the



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said direction, the impugned order dated 13<sup>th</sup> June, 2024 has been passed by the respondent no.1/MCD.

11. The impugned order duly records the fact that a sealing order was passed on 9<sup>th</sup> March, 2022 and one of the portions on the 4<sup>th</sup> Floor of the subject property was sealed. A representation was filed on behalf of the respondent no.3 claiming protection under the NCT of Delhi Laws (Special Provisions) Second (Amendment) Act, 2020, stating that the property was an old construction. Based on the aforesaid representation and after hearing the parties, the impugned order dated 13<sup>th</sup> June, 2024 was passed by respondent no.1/MCD, the relevant extracts of which are set out below:

*"In view of given findings, it was considered judicious to grant protection to the fourth and fifth floor under "The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023" came into force, which lays down that status quo as on 01/06/2014 in respect of unauthorized developments in unauthorized colonies shall be maintained till 31/12/2026. It further laid down that all notices issued by any local authority for initiating action against protected encroachment or unauthorized development shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December 2026. Accordingly, MCD granted protection to the aforesaid structure during moratorium period i.e. up to 31/12/2026 (if not extended further) and also de-sealed the property. In the order dated 23/04/2024, there is mention of status report of MCD regarding issuance of work stop notice on account of ongoing unauthorized construction. It is necessary to bring on record that subject property is sub-divided into two parts having same address. MCD had carried out demolition action at other portion at fourth floor and cut down two panels of RCC roof of fourth floor and on 25/10/2023, MCD sealed on flat at fifth floor of this portion.*

*During personal hearing, petitioner referred his claims and contentions as spelt out in the petition. The same has been examined. However, no new facts have come to the light, which may draw attention or prove that protected structures were raised after cut-off date of protection i.e. 01/06/2014. In view of given deliberations, the protection granted to the*



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*premises, in question, and conveyed vide letter No. D/222/AE(B)-IV/CNZ/2023 dated 08/01/2024 is hereby upheld.”*

12. A perusal of the aforesaid order passed by the respondent no.1/MCD shows that MCD has sealed portion of the subject property on the 5<sup>th</sup> Floor.

13. Counsel for the petitioner submits that the construction carried out on the 4<sup>th</sup>/5<sup>th</sup> Floor was not an old construction and was carried out subsequently. He draws attention of the Court to paragraph 7 of the order passed on 23<sup>rd</sup> April, 2024 in W.P. (C) 5578/2024, which is set out below:

*“7. It is further submitted that the status report dated 17.03.2022, filed by the MCD itself during the course of hearing of W.P.(C) 12144/2021, makes it clear that the MCD was constrained to issue a work stop notice in respect of the property in question on account of the ongoing unauthorized construction. As such, once it was found that unauthorized construction was ongoing, there can be no applicability of the provisions of “The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023” with regard to the property in question.”*

14. Per contra, counsel for the respondents no.2 and 3 have drawn attention of the Court to the legal notice sent by the petitioner on 23<sup>rd</sup> June, 2018, wherein petitioner herself has noted that the property comprises of Ground, First, Third, Fourth and Top Floor. The relevant extracts from the said legal notice are set out below:

*“3. That the flat bearing no. 14 Jauhari farm, Jamia Nagar, New Delhi measuring 200 sq. feet consist of **ground floor, first floor, second floor, third floor, fourth floor and top floor, in which flat was built up with 100 sq feet on the front side and flat built up with 100 sq. feet with respect with backside.**”*

[Emphasis supplied]

15. Pursuant to the order dated 20<sup>th</sup> May, 2025 passed by the Predecessor



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Bench, a status report dated 6<sup>th</sup> January, 2026 has been filed on behalf of the respondent no.1/MCD. The respondent no.1/MCD considered the representations filed by the petitioner and the respondent no.3 along with supporting documents. The relevant extract of the said status report is reproduced below:

*“9. That on scrutiny of these representation, it has been revealed that both the applicants have reiterated their claims and contentions as had been raised in their previous communications. No new facts have come to the light which may draw attention or prove that protected structures were raised after cut off date of protection i.e. 01.06.2014. Both of the applicants have tried to claim the old status of their respective portions, which has already been granted by this answering respondent vide letter dated 08.01.2024. Copy of letter dated 08.01.2024 is annexed herewith as Annexure: A.”*

16. In view of the aforesaid narration of facts, it cannot be conclusively said that 4<sup>th</sup>/5<sup>th</sup> floor of the subject property were constructed after the cut-off date of protection i.e. 1<sup>st</sup> June, 2014. At best, it would be a disputed question of fact, which cannot be adjudicated in the present writ jurisdiction. Therefore, there is no infirmity in the de-sealing order dated 8<sup>th</sup> January, 2024 and impugned order dated 13<sup>th</sup> June, 2024 holding that the 4<sup>th</sup>/5<sup>th</sup> floor of the subject property was entitled to protection under NCT of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023.

17. In view thereof, the present writ petition is dismissed, leaving it open to the petitioner to take appropriate remedies available under the law.

**AMIT BANSAL, J**

**JANUARY 19, 2026**

*Vivek/-*