



\$~92, 93

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

+ W.P.(C) 9918/2026, CM APPL. 46166-46168/2026

DR KAMAL AZIZ

.....Petitioner

Through: Mr. Zoheb Hossain, Senior Advocate
with Mr. Ahmad Ibrahim,
Mr. Sameer and Mr. Akif Abidi,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sharique Hussain and
Ms. Kirti Garg, Advocates for R-3/
BSES.
Mr. Raghvendra Upadhyay, Panel
Counsel for GNCTD with Ms.
Purnima Jain, Ms. Shivpa Taneja and
Mr. Madhur, Advocates for R-1, 2.
Mr. Sanjeev Sabharwal, SC for MCD
with Ms. Shweta Singh, Advocate.
Mr. G.M. Akhtar, SPC with Mr. Rajat
Mohan Dwivedi, Advocate for R-4.
Mr. Rajat Mohan Dwivedi, GP for R-
4.
Mr. Pritish Sabharwal, SC for MCD.

+ W.P.(C) 9968/2026, CM APPL. 46410-46412/2026

ANVER AZIZ

.....Petitioner

Through: Mr. Zoheb Hossain, Senior Advocate
with Mr. Ahmad Ibrahim,
Mr. Sameer and Mr. Akif Abidi,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sharique Hussain and
Ms. Kirti Garg, Advocates for R-3/



BSES.

Mr. Lalitaksh Joshi and Ms. Minu Kumari, Advocates for R-1, 2.

Mr. Jivesh Tiwari, CGSC with Mr. Adhiraj Singh, GP with Ms. Nandini Aggarwal, Advocates for R-4.

Mr. Sanjeev Sabharwal, SC for MCD with Ms. Shweta Singh, Advocate. Mr. Pritish Sabharwal, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.07.2026

%

1. These petitions arise from the same set of proceedings and raise substantially identical issues. They are, therefore, being decided by this common order.

2. The Petitioner in W.P.(C) 9918/2026, Dr. Kamal Aziz, claims rights and possession in respect of property bearing No. H-798, H-Block, Jaitpur Extension Part-II, Badarpur, New Delhi. The Petitioner in W.P.(C) 9968/2026, Mr. Anver Aziz, claims corresponding rights in the adjoining property bearing No. H-799. The Petitioners rely upon General Powers of Attorney, agreements to sell, affidavits and payment receipts executed in the year 2005. Mr. Anver Aziz resides at property No. H-799 with his family, whereas the residential structure at property No. H-798 is stated to be occupied by a caretaker and his family.

3. It is the Petitioners' case that their residential structures were raised upon their respective plots in the year 2013 and the remaining portions were enclosed by boundary walls. They contend that the structures and boundary walls predate 1st June, 2014 and are, therefore, protected under the National



Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, as amended from time to time.

4. The properties were provided domestic electricity connections by BSES Rajdhani Power Limited. The connection in respect of property No. H-799, bearing CA No. 153029775, was energised on 14th January, 2020. The connection in respect of property No. H-798, bearing CA No. 154959468, was energised on 10th December, 2025.

5. The genesis of the present controversy lies in a Restrainment Order dated 2nd April, 2026 issued by the Sub-Divisional Magistrate, Badarpur, acting as Convener of the Special Task Force. The order relates collectively to land comprised in Khasra Nos. 781, 782, 768, 770 and 757 situated in Village Jaitpur. It directs that all construction activity upon the said land be stopped, calls upon the “Owner/Builder” to remove or vacate the unauthorised construction or encroachment, or submit a reply within three days, and states that non-compliance would invite demolition and vacation of the land.

6. The Restrainment Order was followed by a Demolition Order dated 24th April, 2026. The latter records that notices had been affixed at the site since the addresses of the recorded owners were unavailable, that no reply or building sanction had been furnished, and that the site was reportedly being misused for unlawful activities. On this basis, demolition of all unauthorised structures situated upon the identified khasra numbers was directed.

7. The Demolition Order was challenged before this Court in W.P.(C) 5933/2026, titled ***Haseeb Khan and Others v. Government of NCT of Delhi and Ors.*** During the hearing of that petition, counsel appearing for the Sub-Divisional Magistrate stated that no demolition action was contemplated



against structures in the nature of dwelling units and that the proposed action was confined to boundary walls and similar enclosing structures.

8. By order dated 29th April, 2026, this Court declined to interdict the Demolition Order, but directed that the demolition action remain confined strictly to boundary walls and similar enclosing structures and not extend to dwelling units. The Court also took on record the statement made on behalf of the SDM (Badarpur) that, insofar as dwelling units were concerned, any action, if required, would be taken by the competent authority, including the Municipal Corporation of Delhi, strictly in accordance with law. The Petitioners therein were further granted liberty to challenge the Restraintment Order dated 2nd April, 2026.

9. On 12th May, 2026, a further application was moved in W.P.(C) 5933/2026 alleging that dwelling units were being demolished in violation of the order dated 29th April, 2026. The Respondents disputed the allegation and maintained that the action had remained confined to boundary walls and properties which were not dwelling units. Since the controversy concerned alleged non-compliance with the earlier order, the application was disposed of with liberty to institute appropriate proceedings in accordance with law.

10. During the demolition exercise undertaken on 12th May, 2026, the boundary walls surrounding the Petitioners' properties were demolished and their electricity meters were removed. The Petitioners thereafter instituted CONT.CAS(C) 928/2026 and CONT.CAS(C) 929/2026, respectively, alleging wilful violation of the order dated 29th April, 2026. By orders dated 20th May, 2026, notice was issued in the contempt proceedings. The Respondents also agreed that, before any further demolition action, at least three working days' prior notice would be given to the owner or occupier



and affixed upon the concerned property.

11. In the present petitions, the Petitioners seek three substantive reliefs: quashing of the Restraintment Order dated 2nd April, 2026 insofar as it applies to their properties; restoration of their electricity connections; and permission to reconstruct the demolished boundary walls.

12. Mr. Zoheb Hossain, Senior Counsel appearing for the Petitioners, submits that neither the Restraintment Order nor the Demolition Order identifies the Petitioners or their respective properties. Both orders proceed against several khasra numbers collectively and contain no finding that the Petitioners had undertaken any fresh construction or encroachment. It is submitted that no individual notice was served and no opportunity of hearing was afforded before coercive action was taken.

13. It is further contended that the dwelling units and boundary walls had existed since 2013 and fall within an unauthorised colony identified for regularisation. Reliance is placed upon the provisional regularisation certificate issued in respect of Jaitpur Extension Part-II. It is further contended that since the concerned residential structures were raised before 2013, the Petitioners' properties are entitled to protection under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, as amended from time to time.

14. Mr. Hossain also submits that the pending contempt proceedings are confined to the alleged violation of the order dated 29th April, 2026. They neither challenge the Restraintment Order nor seek restoration of electricity or permission to reconstruct the boundary walls. The present proceedings are, therefore, stated to be founded upon separate and independent causes of action.



15. *Per contra*, Mr. Lalitaksh Joshi, counsel appearing for Respondent Nos. 1 and 2 in W.P.(C.) 9968/2026, submits that the subject properties fall within Zone ‘O’ of the Master Plan for Delhi, where the issue of unauthorised construction and encroachment is presently being monitored by the Division Bench of this Court in W.P.(C.) 5751/2014 titled ***Vijay Kumar Diwakar v. South Delhi Municipal Corporation & Ors.*** Reliance is placed upon the orders dated 18th April, 2026 and 23rd May, 2026 passed therein. It is submitted that the Division Bench has recognised that the temporary protection under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 extends to occupants of unauthorised colonies situated in Zone ‘O’ until 31st December, 2026. At the same time, it has directed that no fresh construction shall be permitted in Zone ‘O’, including under the guise of repair or renovation, and that demolition and removal of unauthorised constructions and encroachments shall continue. It is, therefore, submitted that no order permitting reconstruction of the boundary walls or otherwise interfering with the action taken pursuant to the aforesaid directions ought to be passed in the present proceedings.

16. The Court has considered the facts and the rival contentions. Though the matter is still at a nascent stage and no counter affidavit has been filed by any of the Respondents, this Court is of the view that such pleadings are not necessary for adjudication of the present petitions. The controversy lies within a narrow compass and can be resolved on the basis of the documents already placed on record, supplemented by the instructions furnished by the counsel appearing for the Respondents. It may also be noted that the Municipal Corporation of Delhi was not originally impleaded as a party Respondent and was added as Respondent No. 5 pursuant to the order dated



23rd July, 2026.

17. The orders passed by the Division Bench on 18th April, 2026 and 23rd May, 2026 are required to be read together. By the former order, the DDA was directed to demolish unauthorised construction which was presently being carried out or had been freshly raised in Zone 'O'. By the subsequent order, the Division Bench recorded the stand of the Ministry of Housing and Urban Affairs that the temporary protection under Section 3(2)(ii) of the Special Provisions Act extends to unauthorised colonies situated in Zone 'O' until 31st December, 2026. It was, however, made equally clear that such protection does not confer ownership and cannot be invoked to justify fresh construction.

18. Read together, the orders of the Division Bench preserve the statutory protection available to existing development in identified unauthorised colonies situated in Zone 'O' until 31st December, 2026, while making it clear that such protection does not extend to fresh or ongoing construction. The directions for demolition are, therefore, required to be understood in relation to construction which is being presently undertaken or has been freshly raised. Whether a particular property is entitled to protection must, however, be determined upon verification that it falls within an identified unauthorised colony and otherwise satisfies the requirements of the Special Provisions Act.

19. The material placed before this Court does not establish the foundational facts necessary to return a definitive finding on these disputed questions. The documents executed in 2005 furnish the basis of the Petitioners' claim to possession and describe the properties as forming part of Khasra No. 757 in Jaitpur Extension Part-II. They do not, however,



disclose when the dwelling units or the boundary walls were erected, nor does the material presently placed on record conclusively establish the existence of those structures as on the relevant cut-off date. The electricity connections, having been energised considerably later, cannot by themselves serve as reliable evidence of the age of the constructions. The provisional regularisation certificate is also of limited evidentiary value for the present purpose. It relates to the colony as a whole, is expressly subject to scrutiny, and records that its final boundary was yet to be fixed. In the absence of material establishing that the Petitioners' properties fall within the protected boundary of the identified colony and that the disputed structures existed before the applicable cut-off date, the Court cannot accept the factual premise on which the claim to statutory protection rests.

20. Permission to reconstruct the structures whose removal was expressly permitted under the order dated 29th April, 2026 would, in substance, undo the effect of that order. It would also amount to permitting fresh construction in an area where the Division Bench has directed that no new construction be undertaken, including under the guise of repair or renovation. The prayer seeking reconstruction of the boundary walls cannot, therefore, be granted.

21. The Restraintment Order dated 2nd April, 2026 cannot be set aside in its entirety. To the extent that it prohibits fresh or ongoing construction, it accords with the directions issued by the Division Bench in relation to Zone 'O'. Its operation must, however, remain confined to that purpose. The order applies generally to several khasra numbers and contains no property-specific determination regarding the nature or age of the Petitioners' structures. It cannot, therefore, be read as conclusively holding that the Petitioners' dwelling units are fresh constructions or that they fall outside



the protection of the Special Provisions Act. Nor can it, without a separate determination by the competent authority, preceded by due notice and undertaken in accordance with law, furnish the basis for demolition of the Petitioners' dwelling units or discontinuance of electricity supply.

22. It is, accordingly, clarified that, insofar as the Petitioners are concerned, the Restraintment Order shall operate only as a restraint against any fresh or ongoing construction upon the subject properties. It shall not, by itself, be treated as authorising coercive action against the existing dwelling units. Any such action may be taken only by the competent authority, upon identifying the specific property and the alleged violation, after affording due notice to the owner or occupier and following the procedure prescribed by law, subject to any order that may be passed by the Division Bench in W.P.(C) 5751/2014. These observations shall not affect the rights and contentions of the parties in the pending contempt proceedings.

23. The prayer for restoration of electricity stands on a materially different footing. Mr. Sharique Hussain, counsel appearing for BSES, states on instructions that the meters were removed pursuant to directions received from the office of the Sub-Divisional Magistrate in the course of the demolition exercise. Neither the Restraintment Order nor the Demolition Order, however, contains any direction for disconnection of electricity.

24. Mr. Prithvi Sabharwal, counsel appearing for the Municipal Corporation of Delhi, states on instructions that the residential units continue to exist and are inhabited. Mr. Joshi also states that no coercive action is presently contemplated against the dwelling units.

25. The legality of a construction and the entitlement of a person in



settled occupation to receive electricity are distinct questions. An electricity connection neither regularises the structure nor creates any right, title or interest in the property. Conversely, the mere fact that a property is alleged to contain unauthorised construction does not, without more, authorise the distribution licensee to discontinue an existing domestic supply.

26. In **BSES Yamuna Power Ltd. v. Bhagwanti**,¹ this Court held that there is no impediment to the grant or continuation of electricity supply merely because the premises have been booked for unauthorised construction. The concerned distribution company may be intimated when the competent civic authority actually proceeds to take coercive action in accordance with law.

27. In the present case, the dwelling units remain standing and inhabited. No outstanding electricity dues, electrical hazard or other statutory ground for disconnection has been asserted. The demolition of the surrounding boundary walls did not, by itself, extinguish the domestic occupation of the premises. The continued deprivation of electricity, therefore, has no disclosed legal basis.

28. BSES Rajdhani Power Limited is accordingly directed to restore the electricity connections bearing CA Nos. 154959468 and 153029775 to the respective premises within five working days from today, subject to compliance with the usual technical and safety requirements applicable to restoration of an existing connection.

29. It is clarified that restoration of electricity shall not be construed as recognition of the Petitioners' title, regularisation of the properties, or an adjudication that the structures are protected under the Special Provisions



Act. All such questions are left open.

30. BSES shall remain at liberty to take action in the future if a ground for disconnection arises under the Electricity Act, 2003 or the applicable regulations, or if the competent authority takes lawful coercive action which renders continuation of supply impermissible or unsafe. Any such action shall be taken strictly in accordance with law.

31. The pending contempt proceedings shall be decided on their own merits, uninfluenced by the observations contained in this judgment concerning the maintainability or legality of the demolition exercise.

32. The writ petitions are disposed of in the aforesaid terms. All pending applications also stand disposed of.

SANJEEV NARULA, J

JULY 23, 2026

nk

¹ 2025:DHC:10086.