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

+ W.P.(C) 2602/2024 & CM APPL. 58968/2025

MOHD GUL SANOWAR

.....Petitioner

Through: Mr. Ajaz Ahmad, Advocate.
M. 7289071768
Email. Ayansaifi45@gmail.com

versus

THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD
Mob: 9315827955
Email: manuchaturvedi@gmail.com
Mr. Sanjeev Sabharwal, SPC for UOI
Mob: 9810031680
Email: solicitor6@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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17.09.2025

1. The present petition has been listed on account of the application filed on behalf of the petitioner, i.e., *CM APPL. 58968/2025*, for early hearing.
2. The present petition has been filed seeking directions to respondent nos. 1 to 3 with regard to unauthorised construction existing in property bearing No. 231, *Hauz Rani, Malviya Nagar, New Delhi-110017*.
3. Learned counsel appearing for respondent-Municipal Corporation of Delhi ("MCD") draws the attention of this Court to the Further Status Report by way of affidavit dated 21st August, 2024 filed on behalf of MCD, relevant portion of which, read as under:

"xxx xxx xxx"



3. That after concluding the hearing proceedings u/s 343/344 of DMC Act – 1957, in U/c file bearing No. 25/UC/B-I/SZ/2024 dated 16/02/2024, upon granting the opportunity of the personal hearing to the noticee / owner and

considering his reply, the Competent Authority i.e. Assistant Engineer (Bldg)-I of South Zone – MCD has passed the reasoned order in respect of the subject property i.e. bearing No. 231, Hauz Rani, Malviya Nagar, New Delhi mainly observing therein as follow:

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Whereas on perusal of the documents, it has been observed that the applicant has not submitted any such document indicating the authorized / valid status of construction, as has been booked by the Department. The reply submitted by the applicant does not indicate any valid documents or reasons in this regard. Hence, the unauthorised construction, as booked, is liable for demolition action under the DMC Act-1957. However, the prime contentions of the applicant are revolving around old status of existing construction, with a view to availing relief under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act. It is relevant to mention that The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act stipulates that no punitive actions against the constructions (termed as 'unauthorized development' in the said Act), in existence as on 01.06.2014, can be taken and all punitive actions are to be kept in abeyance upto 31.12.2026. The cut-off date as 01.06.2014 is a pre-requisite to be eligible to avail relief upto 31.12.2026 under the said Act. In order to ensure that no prejudice is caused to the applicant, the matter has been examined based on the documentary evidence. It has been observed that the electricity bill of the year 2015 indicates the date of energization as 24.04.2001 with address of property as 231, Hauz Rani, New Delhi. There are other documents such as licence dated 05.08.1984 issued by the Labour Department-Govt of NCT of Delhi, letter dated 03.02.199 issued by Employees State Insurance Corporation, letter dated 24.07.2001 and 10.07.2002 issued by Delhi State Industrial Development Corporation Ltd., letter dated 07.03.2002 issued by the Ministry of Commerce Government of India regarding Certificate of Importer-Exporter Code (IEC) and all these documents denote the address as 231, Hauz Rani, New Delhi.

This is indicative of existing of property prior to 01.06.2014, as required to avail relief under the aforesaid Act. Moreover, the property was booked in its 'old and occupied status with no construction work found going on. On visual inspection, it also appears that the existing construction is very old and no construction work in the recent past has been carried out. The property also does not stand booked in the past more than 20 years as per record.



Hence, construction/deviations, as booked, is entitled for such relief upto 31.12.2026. However, as regards the court case before the Hon'ble High Court, the orders / directions passed by the Hon'ble High court shall be complied with by the applicant in the instant case, as and when warranted.

I, Sunil Chauhan, Assistant Engineer- Building Department South Zone, Municipal Corporation of Delhi, vested with the powers of the Commissioner, M.C.D. under Section 343 read with Section 491 of the DMC Act, 1957 hereby order that the deviations against sanctioned building plans / unauthorized construction, as booked by the Department, are liable for punitive action under the DMC Act, 1957 as per policy of the Department. However, keeping in view the relief available under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, demolition action against the unauthorized construction, as booked, shall be kept in abeyance upto 31.12.2026. This relief is subject to maintaining status quo at site and complying with the relevant provisions of the aforesaid Act. In case any such directions relevant to the said Act are issued by the Government of India / competent authority, the same shall be liable to be followed by the applicant.

The copy of the aforementioned reasoned order has also communicated / sent to the owner / occupier vide bearing No. D/352/EE(B)-I/SZ/2024 dated 05/06/2024 and a copy thereto is annexed herewith as Annexure -A.

4. That as can observed from the aforementioned reasoned order, that considering the prime contentions of the noticee / owner with regard to benefit under The National Capital Territory of Delhi (Special provisions) Second (Amendment) Act, the Competent Authority has ordered that deviation against Sanction Building Plans / unauthorized construction as booked by the department are liable for punitive action under DMC Act – 1957 as per the policy of the department. However, keeping in view the relief available under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, demolition action against the unauthorized



construction, as booked, shall be kept in abeyance upto 31.12.2026. This relief is subject to maintaining status quo at site and complying with the relevant provisions of the aforesaid Act. In case any such directions relevant to the said Act are issued by the Government of India / competent authority, the same shall be liable to be followed by the applicant.

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4. Perusal of the aforesaid Status Report shows that it is the clear stand of the MCD that the construction in the property in question is protected under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2011.
5. At this stage, learned counsel appearing for the petitioner submits that the property in question is being used as a Guest House.
6. If that be the case, in the event, the said activity is not allowed in the premises in question, the petitioner is at liberty to seek his remedies, in accordance with law.
7. Considering the facts and circumstances of the present case, the respondent-MCD and Local Police, are directed to ensure that no unauthorised construction takes place in the property in question.
8. Accordingly, no further orders are required to be passed in the present writ petition.
9. The present petition, along with the pending applications, is disposed of.



10. The next date of 11th November, 2025, stands cancelled.

MINI PUSHKARNA, J

SEPTEMBER 17, 2025/ak