



2025:DHC:9582



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

% **Date of Decision: 30.10.2025**

+ W.P.(C) 3274/2025, CM APPL. 15437/2025 & CM APPL.
15438/2025

DAYA RAM

.....Petitioner

Through: Mr. A.K. Singh and Mr. Gourav
Prasad, Advocates
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Email: ajay_legalhelp@yahoo.co.in

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Niraj Kumar, Sr. Central Govt.
Counsel with Mr. Chaitanya Kumar,
Advocate for R-2
Mob: 9810020341
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advocateniraj2009@gmail.com
Mr. Kapil Dutta and Mr. Siddhant
Parashar, Advocate for MCD
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present writ petition has been filed seeking setting aside of the Vacation Notice dated 13th February, 2025, issued by the respondent no. 1-



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Municipal Corporation of Delhi (“MCD”) with respect to the property bearing no. 112, Begumpur, Malviya Nagar, New Delhi.

2. During the course of hearing, learned counsel appearing for the petitioner submits that a letter dated 06th June, 2019, had been written by the petitioner to the Archaeological Survey of India (“ASI”), for the purpose of taking permission for renovation of the property in question.

3. He submits that the said letter of the petitioner is still pending with the ASI, and the ASI has not granted any No Objection Certificate (“NOC”) with regard thereto.

4. It is further submitted that in view of the urgency of the matter, the petitioner in the absence of any approval/permission from the ASI, carried out the requisite repair work in the property in question, which has now been booked by the MCD as unauthorized construction.

5. Responding to the aforesaid submissions, learned counsel appearing for the respondent-MCD submits that the MCD rightly booked the property in question of the petitioner for unauthorized construction, and passed the Demolition Order dated 03rd February, 2020, since no NOC had been taken by the petitioner from the ASI, and no building plan has been got sanctioned from the MCD.

6. At this stage, learned counsel appearing for the petitioner submits that he may be granted an opportunity to approach the ASI for taking approval/NOC for the construction that has already been taken place.

7. He further submits that he shall also approach the MCD for seeking regularization of the construction in the property in question.

8. This Court notes the submission made on behalf of the MCD that since the area in question, where the property of the petitioner falls, is under



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the jurisdiction of ASI, till an NOC/approval is granted by the ASI, no construction can be sanctioned/approved/regularized by the MCD.

9. Considering the aforesaid submission made by learned counsel appearing for the MCD, only for the limited purpose of considering the application of the petitioner by the MCD for regularization of the existing structure, the ASI may consider granting NOC to the petitioner.

10. Accordingly, the ASI is directed to decide the representation dated 06th June, 2019, submitted by the petitioner regarding carrying out of renovation work in the property in question.

11. Let the needful be done by the ASI expeditiously, preferably, within a period of four weeks from today.

12. After the decision by the ASI, the petitioner shall duly approach the MCD within a period of two weeks of the decision of the ASI for the purposes of regularization of the property in question. The MCD shall duly decide the regularization application of the petitioner within a period of four weeks of receipt of the said application.

13. It is further directed that the petitioner shall comply with all the directions issued by the MCD and remove any excess coverage/deviations or non-compoundable construction, as indicated by the MCD.

14. It is further directed that during the pendency of the application of the petitioner before the ASI and the MCD, the petitioner shall not carry out any further construction in the property in question.

15. Further, no coercive action shall be taken against the property of the petitioner during the pendency of the representations of the petitioner before the respective authorities.

16. With the aforesaid directions, the present writ petition, along with the



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pending applications, is disposed of.

MINI PUSHKARNA, J

OCTOBER 30, 2025

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Signature Not Verified

Digitally Signed
By: HARIOM SHARMA
Signing Date: 01.11.2025
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