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

+ W.P.(C) 5162/2025, CM APPL. 23481/2025 & CM APPL.
23482/2025

RAJKUMAR

.....Petitioner

Through: Ms. Aditi Shivadhatri, Capt. Subedita
Rani and Mr. R.R. Bharti, Advs.
M: 9811225854
Email: rajeshkumartarun@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Harshit Chopra and Mr. GAurav
Kumar, Advs. for R-1
M: 9911543883
Email: advharshitchopra@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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23.04.2025

CM APPL. 23481/2025 (For Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 5162/2025 & CM APPL. 23482/2025 (for stay)

3. The present petition has been filed seeking directions to restrain the respondent from taking any action against the property of the petitioner, i.e., property bearing No. WZ-669, 1/3, Naraina Village, New Delhi-110028.
4. Learned counsel appearing for the petitioner points out that the petitioner had filed an application for regularization on 05th August, 2020, before the learned Executive Engineer, Karol Bagh Zone, Municipal



Corporation of Delhi (“MCD”). However, despite lapse of considerable time, the application for regularization has neither been decided, nor been acted upon by the respondent till date.

5. She further submits that the Show Cause Notice dated 9th March, 2020 issued by the respondent/MCD under Section 344(1) of the DMC Act, 1957 is defective, as the same only grants time of three days to file a reply to the same.

6. *Per contra*, learned counsel appearing for the respondent MCD on advance notice, submits that pursuant to the Show Cause Notice issued by the MCD, reply was filed on behalf of the petitioner herein. Subsequently, hearing was granted to the petitioner on 17th July, 2020. Thereafter, a demolition order dated 28th July, 2020 was passed.

7. He submits that the said demolition order has not been challenged by the petitioner, till date.

8. He further submits that in the regularization application submitted by the petitioner, a letter dated 24th August, 2020, issued by the office of the Executive Engineer (Building), Karol Bagh Zone, MCD, wherein, various short comings in the application of the petitioner for regularization of the construction, were pointed out. However, since the said short comings were not cured by the petitioner, *vide* letter dated 16th September, 2020, the regularization application of the petitioner was rejected by the Office of the Executive Engineer (Building), Karol Bagh Zone.

9. In response, learned counsel appearing for the petitioner submits that the petitioner is not aware of the rejection of the regularization application.

10. This Court notes that the application of the petitioner for regularization has been rejected way back in the year 2020. Further, the



demolition order was also passed way back in the year, 2020, which has not been challenged by the petitioner.

11. Be that as it may, considering the submissions made before this Court, liberty is granted to the petitioner to file a fresh application before the MCD for regularization of the construction in the property in question.

12. Let the requisite application be filed by the petitioner before the appropriate authority of the respondent/MCD within a period of two weeks, from today.

13. Upon filing of the fresh application for regularization by the petitioner, the same shall be considered by the MCD, expeditiously, in accordance with law, preferably, within a period of three months from today.

14. It is directed that, in case, the regularization application is filed by the petitioner within a period of two weeks, in terms of the liberty granted by this Court, no coercive action shall be taken against the petitioner, during the pendency of the application of the petitioner and for a period of ten days after the passing of the order in the regularization application.

15. Upon finalization of the application for regularization of the petitioner, the same shall be duly served upon the petitioner, through the petitioner's counsel, on the Email, which is reflected in today's order.

16. With the aforesaid directions, the present petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

APRIL 23, 2025/kr