



\$~36

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

+ **W.P.(C) 5710/2025**

DEEPAK ARORA

.....Petitioner

Through: None.
versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Tushar Sannu and Ms. Aqsa,
Advocate for MCD and DDA
Mob: 9911991166
Email: adv.tusharsannu@gmail.com
Mr. Narendra M. Sharma, Ms. Prachi
Gupta and Ms. Shubhangi Tiwari,
Advs. for R-3, along with R-3 in
person.
Mob: 9911703098
Email: prachi.gupta@pamslegal.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

26.11.2025

%

This Case is taken up today, as 25th November, 2025, was declared as a holiday.

1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2, to take action against the respondent no. 3 for demolishing two Delhi Development Authority (“DDA”) Flats, i.e., *B-68/1 and B-68/2, DDA Flats, Naraina Vihar, New Delhi-110028*, and instead raising illegal construction up to four floors in place of the said flats.
2. Pursuant to the directions of this Court, as regards redevelopment of the DDA flats in the area in question, a short affidavit dated 17th November,



2023 has been filed on behalf of the DDA, relevant portions of which, read as under:

3. That the Petitioner/Deepak Arora has filed the present matter for the issuance of Writ of Mandamus against Resp.No.1 to 3 directing them to take appropriate action/steps against the Respondent No.4/Anil Mohan R/o B-68/1, DDA Flats, Naraina Vihar thereby restraining him from violation the provisions of the DMC Act, 1957 & The Provisions of the policy & Procedure for permission and Regularization of the addition/alteration in DDA flats.

4. It is most respectfully submitted that though the subject area under reference has already been denotified and transferred to Municipal Authority vide letter No.F23(93)86-Bldg(Part-1) dated 24.07.89, considering the issue of Naraina Vihar as special case, a committee has been constituted on 23.09.2025(copy annexed) comprising senior members of DDA to prepare a policy for redevelopment/reconstruction

of such old DDA societies including Naraina Vihar. The committee is to submit its report to Vice-Chairman DDA in 90 days. A letter regarding the same thereby conveying the present stand of DDA, has been sent to MCD. True copy of the letter issued by DDA dated 23.09.2025 is annexed herewith and marked as **Annexure R2/A**

3. Perusal of the aforesaid affidavit of the DDA shows that the issue



with regard to redevelopment of the flats in the area in question, is still under consideration.

4. The DDA is at liberty to go ahead and finalize the policy with regard to redevelopment of flats.

5. A Status Report dated 12th September, 2025 has also been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

10. That in the light of report provided by the DDA and the submission made by the notices and it was concluded that the construction raised in the shape of entire Stilt, Ground Floor, First Floor, Second Floor, and Third Floor is without having any legal sanctity. Hence, a demolition order dated 09.06.2025 vide bearing no. D/AE(B)/KBZ/2025/1223 has been passed. The copy of the demolition order dated 09.06.2025 is annexed herewith as **Annexure-B**.

11. That a WP(C) No. 8476/2025 titled as Anil Mohan Gupta & Ors. Vs Municipal Corporation of Delhi was filed seeking stay of demolition order dated 09.06.2025 passed under section 344(1) and 343 of the DMC Act, 1957 by the Assistant Engineer(Bldg.), Karol Bagh Zone, MCD. The matter was listing for hearing before the Hon'ble Court on 20.06.2025 wherein, it was submitted by the Std. Counsel of the MCD that Respondent will not take steps to demolish the property till 4th July, 2025. Further, the Hon'ble Court also directed that the matter may be heard by the ATMCD on 04.07.2025 and pass appropriate orders regarding property in question. The WP(C) No. 8476/2025 was allowed to be dismissed as withdrawn vide order dated 30.07.2025.



12. That an Appeal No. 168/ATMCD/2023 had been preferred by Sh. Anil Mohan Gupta against the order under section 338 of the DMC Act, 1957 revoking the sanction building plan of the property passed by the Deputy Commissioner, Karol Bagh Zone vide no. D-110/EE(B)/DC/KBZ/2023 dated 21.03.2023.
13. That another appeal no. 408/ATMCD/2025 has been referred by Sh. Anil Mohan Gupta against the demolition order dated 09.06.2025 passed under section 344(1) and 343 of the DMC Act, 1957 by the Assistant Engineer(Bldg.), Karol Bagh Zone, MCD. Both the said appeals are pending before the Ld. ATMCD and during proceeding on 08.07.2025 it was submitted by the Ld. Counsel of MCD that in order to cut short the controversy MCD will not take any coercive action till 03.09.2025. That the term of the earlier presiding officer of ATMCD has expired on 05.08.2025 and no new presiding officer has yet joined. The said appeal is now further listed on 07.01.2026. The copy of the order dated 08.07.2025 passed by Ld. Tribunal is annexed herewith as **Annexure-C**.

6. Perusal of the aforesaid Status Report shows that the Demolition Order dated 09th June, 2025, already stands passed by the MCD. Further, the owner/occupier of the property in question, i.e., respondent no. 3 herein has already approached the Appellate Tribunal MCD ("ATMCD"). When the matter was listed for hearing on 08th July, 2025 before the ATMCD, Standing Counsel for the MCD had stated that the MCD shall not take any coercive action, till the next date of hearing.

7. This Court is informed that the matter is now listed before the ATMCD on 07th January, 2026.



8. Accordingly, it is directed that any further action shall be taken by the MCD subject to any order that may be passed by the ATMCD.
9. It is clarified that this Court has not expressed any opinion on the merits of the case.
10. Rights and contentions of the parties are kept open.
11. As regards, the prayer of the petitioner regarding cancellation of the Conveyance Deed of respondent no. 3, the petitioner is at liberty to seek civil remedies, for the said prayer.
12. Noting the aforesaid, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 26, 2025/SK