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

+ W.P.(C) 7136/2025 & CM APPL. 57355/2025, CM APPL. 57356/2025

V. P. NAHAR

.....Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr. Ravi Bassi, Mr. Shrey Sharawat, Advocates along with petitioner in person (M:9810021293)
Email:advocateravibassi@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.

.....Respondents

Through: Ms. Shilpa Dewan, ASC-MCD (M:9971192772)
Email:shilpadewan06@gmail.com
Mr. Badar Mahmood, SPC for Resp-4, SHO Mayur Vihar

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
11.09.2025

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CM APPL. 57355/2025

1. The present application has been filed on behalf of the petitioner seeking a stay on the Demolition Order dated 22nd August, 2025, passed by the Municipal Corporation of Delhi ("MCD").
2. Learned counsel for the petitioner submits that pursuant to the directions passed by this Court, an inspection of the property in question was



carried out, on 16th June, 2025.

3. Thereafter, a Show Cause Notice dated 17th June, 2025, was issued to the petitioner. However, the said Show Cause Notice was never served upon the petitioner, and it was only subsequently that the petitioner came to know about the same.

4. It is submitted that the petitioner gave his reply dated 30th June, 2025 to the said Show Cause Notice. However, without considering the reply of the petitioner, the Demolition Order has been passed.

5. Learned counsel appearing for the petitioner submits that the petitioner is entitled to statutory protection under the Delhi Laws (Special Provisions) Act, 2006, and successive extension Acts, which categorically bar punitive action against constructions, which exist since prior to the cut-off date, i.e., 01st January, 2006.

6. *Per contra*, learned counsel appearing for the respondent no.1-MCD submits that due hearing was granted to the petitioner before the Demolition Order was passed.

7. Be that as it may, considering the submissions made before this Court, the petitioner is granted protection for a period of three weeks, in order to approach the Appellate Tribunal MCD (“ATMCD”).

8. In case, there is no Presiding Officer in the ATMCD at the time of filing of the appeal the protection granted today, shall extend to any next date which is given by the ATMCD.

9. With the aforesaid directions, the present application is accordingly disposed of.

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10. Learned counsel for respondent-MCD submits that *qua* the



unauthorized construction existing in the property of respondent nos. 5 and 6, a Demolition Order dated 17th march, 2025, has already been passed. She submits that action was fixed twice. However, the said actions could not be taken, since the Police was not available.

11. Accordingly, the Station House Officer (“SHO”), Police Station Mayur Vihar, is directed to give all assistance to the MCD, as and when action is fixed *qua* the unauthorized construction with respect to the property of respondent nos. 5 and 6.

12. MCD is bound to take full action against the existing unauthorized construction in the property of respondent nos. 5 and 6.

13. In case, the petitioner is aggrieved by any non-action on behalf of the MCD, the petitioner is at liberty to approach the Special Task Force (“STF”), as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of ***Devender Versus Govt. of NCT of Delhi and Ors.***, in ***W.P.(C) 1807/2018*** and ***Fazruddin Versus DDA and Ors.*** in ***W.P.(C) 4649/2017***.

14. Legal rights of respondent nos. 5 and 6 are also reserved. In case respondent nos. 5 and 6, have any grievances with the action taken by the MCD, they are at liberty to seek their remedies, in accordance with law.

15. Noting the aforesaid, the present petition, along with the pending application, is accordingly disposed of.

16. The next date of hearing of 06th November, 2025, stands cancelled.

MINI PUSHKARNA, J

SEPTEMBER 11, 2025/au



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