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

+ W.P.(C) 7372/2025, CM APPL. 33078/2025 & CM APPL.
33079/2025

ASHISH SUDAN AND ORS.

.....Petitioners

Through: Mr. Sunil Kumar Gupta, Mr. Rishi
Sehgal and Mr. Midhun Aggarwal,
Advs.
M: 9891758831

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Ms. Shobhana Takiar, SC with Mr.
Kuljeet Singh, Mr. Prateek Dhir and
Mr. Shivam Takiar, Advs. for R-3
Mr. Himanshu Ahuja, Adv. for R-4
M: 9810310373
Mr. Ripudaman Bhardwaj, CGSC
with Mr. Amit Kumar Rana, Adv. for
Delhi Police
M: 8178303621
Mr. Kapil Dutta, Adv. for MCD
M: 9811135509

+ W.P.(C) 7710/2025, CM APPL. 34215/2025, CM APPL. 34216/2025
& CM APPL. 34217/2025

ANIL KUMAR WAHI AND ORS.

.....Petitioners

Through: Mr. Sunil Kumar Gupta, Mr. Rishi
Sehgal and Mr. Midhun Aggarwal,
Advs.
M: 9891758831

versus



MUNICIPAL CORPORATION OF DELHI AND
ORS.

.....Respondents

Through: Mr. Himanshu Ahuja, Adv. for
Administrator of Society
M: 9810310373
Mr. Kapil Dutta, Adv. for MCD
M: 9811135509

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **28.05.2025**

1. The present writ petitions have been filed by the residents of Venus Apartment, Jatav Cooperative Society, situated at *Zone H/4-5, Rani Bag, opposite Sainik Vihar, Pitampura, Delhi-110034*.
2. It is submitted that the Venus Apartment, Jatav Cooperative Society consists of 5 Blocks, i.e., Block A, Block B, Block C, Block D and Block E, having a total of 107 flats, Blocks A, B and C are 3-BHK and Blocks D and E are 2-BHK.
3. The present writ petitions have been filed, on account of the fact that, on 22nd May, 2025, an action was initiated by respondent no.1, with the assistance of the police force, for demolishing the unauthorized construction, existing in various flats in the society in question.
4. It is submitted that the aforesaid demolition activity was continued by the Municipal Corporation of Delhi ("MCD") from 22nd May, 2025 to the next date, i.e., on 23rd May, 2025 also.
5. Learned counsel appearing for the petitioners submits that the action taken by the MCD is in violation of the Principles of Natural Justice as the same was undertaken without issuance of any proper notice or without any



application of mind.

6. *Per contra*, learned counsel appearing for the MCD submits that various notices had earlier been issued to the respective flat owners. Replies were received by the MCD to the said notices, and subsequently hearing was duly granted, before issuance of the respective Demolition Orders, after following the due process of law.

7. Responding to the same, learned counsel appearing for the petitioners submits that the aforesaid exercise was carried out in the year 2023 and 2024 and not recently. He further submits that though the petitioners have always been ready for regularization of the existing construction in the flat, however, the MCD has not taken any steps in that regard.

8. At this stage, learned counsel appearing for the MCD submits that no such application for regularization has been received by the MCD from the petitioners. He further submits that, in case, any such application is to be filed on behalf of the petitioners, the same ought to be filed through the society, as there are 107 flats existing in the society. He further submits that the building plan has also been issued and passed in favour of the said society.

9. Learned counsel appearing for the society puts in appearance, and submits that they shall abide by any orders passed by this Court.

10. Learned counsel appearing for the petitioners submits that they shall file their respective applications for regularization of their flats, through the society.

11. Liberty is so granted to the petitioners in this regard.

12. Accordingly, it is directed that the petitioners as well as various other residents of the Jatav Cooperative Society, shall file their respective



applications for regularization of the existing construction in their flats.

13. The said applications shall be filed through the Administrator appointed by the Government of National Capital Territory of Delhi (“GNCTD”), as this Court is informed that an Administrator-cum-Returning Officer, has been appointed *vide* order dated 11th April, 2025, issued by the Office of the Registrar Cooperative Societies, GNCTD.

14. It is clarified that the Administrator would only be a coordinating authority, through whom, the respective applications of the various flat owners shall be filed with the MCD for consideration of their case for regularization.

15. Subsequent to filing of the said applications with the Administrator of the society, the Administrator of the society shall thereafter, revise the applications into one comprehensive application for regularization of the various flats, clearly showing the extent of the deviations in each flat, which are compoundable in nature.

16. The application of the respective flat owners routed through the Administrator, shall be accompanied by a plan drawn by the Architect, clearly showing the compoundable and non-compoundable construction existing in each flat.

17. Various flat owners of the society are directed to cooperate with the Administrator in this regard and when the Architect is engaged by the society for this purpose, the said Architect shall be entitled to inspect each flat in the society, in order to draw the plan with respect to any existing deviation in the flats in the society in question.

18. The society shall also comply with other requisite formalities, as may be indicated by the MCD.



19. The aforesaid exercise shall be completed by the society within a period of eight weeks, from today.

20. Upon receipt of the application, the MCD shall process and consider the same, expeditiously, preferably within a period of eight weeks, from receipt of the said comprehensive application.

21. Needless to state that during the pendency of the aforesaid process with respect to filing of the applications for regularization and consideration of the said comprehensive regularization application of the various flat owners of the society, no coercive action shall be taken by the MCD.

22. It is further clarified that, in case of any construction, which is non-compoundable in nature, and which is indicated by the MCD, the said non-compoundable construction shall be demolished by the respective flat owners, forthwith.

23. In case, the said exercise is not carried out by the respective flat owners, the MCD shall be at liberty to carry out requisite action, in accordance with law.

24. It is further directed that at the time of considering the comprehensive application of the society, hearing shall be granted to the representative(s) of the society.

25. This Court notes that earlier by way of an order dated 29th April, 2025, in *W.P.(C) 9317/2023*, titled as *Naresh Nagapal & Ors. Versus Municipal Corporation of Delhi & Ors.*, this Court had directed the MCD to take an action against the respective flats, where unauthorized construction existed.

26. However, considering the fact that the various flat owners are now before this Court, and have undertaken to apply for regularization, the



present order has been passed.

27. This Court also takes note of the submissions made by learned counsel appearing for the MCD, that out of the 107 flats, 52 flats already stand booked by the MCD and an action in 38 flats has already been taken by the MCD.

28. It is further clarified that the other flats, which have still not been booked by the MCD, shall also take part in the aforesaid exercise.

29. In case of any deviation, the said flat owners, whose properties are yet to be booked by the MCD, shall come forward for the purposes of regularization of the construction, in their flats.

30. Needless to state that MCD shall be at liberty to take action after following the due process of law, in case, it is found that deviations are existing in various flats, whose owners/occupants, have not come forward for regularization of such construction.

31. With the aforesaid directions, the present writ petitions, along with the pending applications, stand disposed of.

MINI PUSHKARNA, J

MAY 28, 2025/KR