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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7949/2025, CM APPL. 63029/2025, CM APPL. 63030/2025,
CM APPL. 63031/2025, CM APPL. 63032/2025 & CM APPL.
63033/2025

OM PRAKASH YADAVPetitioner
Through: Mr. Umang Tyagi, Ms. Diksha Punia
and Mr. Sanyam Dahiya, Advs.
Mob: 9999178173
Email: office@umangtyagi.com

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.
.....Respondents
Through: Mr. Kapil Dutta and Mr. Siddharth
Parashar, Advs. for MCD
Mob: 9811135509
Email: kapilduttamcd@gmail.com
Ms. Harshita Maheshwari, Adv. for
R-3 and 5.
Mob: 9810928188
Email: praveensuri73@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
13.10.2025

1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to take action against the unauthorized construction carried out by respondent nos. 3 to 5, in property bearing no. WZ-92B,



village Todapur, New Delhi-110012 (Khasra No. 434 min), admeasuring 191 sq. meters.

2. This Court notes that vide order dated 26th September, 2025, it had been noted as follows:

“CM APPL. 61805/2025

1. The present application has been filed on behalf of the petitioner under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking liberty for production of photographs on record and for initiating appropriate action against the respondents for wilful disobedience of the directions passed by this Court.

2. Learned counsel appearing for the petitioner submits that the present writ petition is presently pending adjudication before this Court and is listed for hearing on 13th October, 2025.

3. The present petitioner seeks appropriate directions against respondent nos. 3 to 5, for having carried out unauthorized construction in respect of the property bearing Municipal No. WZ-92 B, situated at Village Todapur, New Delhi-110012 (Khasra No. 434 Mini), admeasuring 191 square meters.

4. It is submitted that vide order dated 29th May, 2025, this Court had directed the concerned respondents to inspect the subject property for any ongoing unauthorized construction and to ensure that the same is stopped forthwith. However, in complete disregard and wilful defiance of the said judicial directive, respondent nos. 3, 4 and 5 not only continued the unauthorized construction, but have also proceeded to complete the same in its entirety.

5. It is further submitted that respondent nos. 1 and 2, despite being duty-bound to ensure compliance with the directions issued by this Court, have failed to take any effective or consequential action against the unauthorized construction, carried out by respondent nos. 3 to 5.

6. The aforesaid inaction is in complete and wilful defiance of the order dated 29th May, 2025 passed by this Court, whereby, the respondents were categorically directed to inspect the subject property and forthwith halt any ongoing unauthorized construction. However, no preventive or remedial steps were undertaken by respondent nos. 1 and 2, resulting in the unauthorized construction being completed in its entirety.

7. It is further submitted that the petitioner seeks the leave of this Court to place on record the photographs depicting the completed



10. By referring to the aforesaid, it is submitted that despite the



directions of this Court, the construction in the building has been allowed to be completed.

11. Considering the submissions made before this Court, the photographs, as filed along with the present application, are taken on record and the application is accordingly disposed of.

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12. Learned counsel appearing for the MCD submits that an appeal has already been filed before the Appellate Tribunal MCD ("ATMCD") by respondent no. 3.

13. He, thus, submits that regularization application of respondent no. 3 already stands rejected.

14. He, further, submits that he shall file Status Report before the next date of hearing.

15. Let Status Report be filed by the MCD, before the next date of hearing.

16. Re-notify on the date already fixed, i.e., 13th October, 2025."

3. By referring to the aforesaid order, learned counsel appearing for the petitioner submits that the conduct of respondent nos. 3 to 5, has been reprehensible, as despite the order passed by this Court, further construction had been undertaken.

4. Status Report on behalf of the Municipal Corporation of Delhi ("MCD"), has been handed over to this Court, which is taken on record.

5. Learned counsel appearing for the MCD submits that with respect to the aforesaid property, two Demolition Orders already stand passed. He submits that regularization application filed on behalf of respondent nos. 3 to 5, already stand rejected on 06th October, 2025.

6. He submits that an appeal is pending having been filed by respondent nos. 3 to 5, before the Appellate Tribunal, MCD ("ATMCD"). He submits that requisite action shall be taken by the MCD, in accordance with law.

7. Accordingly, the MCD is held bound to take action against the unauthorized construction, existing in the property in question, however,



subject to any order that may be passed by the ATMCD.

8. Since this Court is informed that there is no stay operating in favour of respondent nos. 3 to 5, accordingly, the MCD is at liberty to take action.

9. At this stage, learned counsel appearing for respondent no. 3 to 5 submits that learned Presiding Officer of the ATMCD has resumed charge from today, i.e., 13th October, 2025. He, thus, submits that he shall be moving appropriate application before the ATMCD.

10. He further submits that since the Presiding Officer has resumed charge only today, he may be granted time of at least ten days to file an appropriate application, before the ATMCD, and he ought to be protected during that period.

11. Accordingly, it is directed that only for a period of two weeks, no coercive action shall be taken against the property of respondent nos. 3 to 5, in order to allow the said respondents to move an appropriate application before the ATMCD.

12. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be heard by the learned ATMCD.

13. Rights and contentions of all the parties are left open.

14. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 13, 2025/SK