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

+ W.P.(C) 9412/2025 & CM APPL. 39738/2025, CM APPL.
39739/2025

VIJENDER KUMAR & ORS.

.....Petitioners

Through: Ms. Hemlata Rawat, Mr.
Aayushmaan Vatsayana, Mr. Manas
Tripathi, Mr. Gourav and Mr. Saurav,
Advs.

Mob: 8600912539

Email:

advocatevatsayana@gmail.com

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Parminder Singh, SC

Mob: 7042261567

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.07.2025

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1. The present writ petition has been filed challenging the speaking order dated 30th May, 2025 issued by Municipal Corporation of Delhi ("MCD") with respect to demolition of the construction carried out on the ground floor, first floor, second floor and third floor, in properties bearing no. 29/120-121, Trilokpuri, Delhi-110091.

2. It is submitted that the petitioners being the legal heirs of Late Horam and Late Angoori Devi, are the absolute owners and are in possession of the properties in question.



3. It is submitted that both the properties are built upto third floor, in which the petitioner nos. 2 and 3, along with their children, have been residing for a very long time.

4. It is further submitted that there are multiple civil and criminal litigations that have been filed with respect to the properties in question, which are pending in District Courts of Delhi.

5. It is submitted that the petitioners have received the Speaking Order for demolition of the said property. Additionally, it is submitted that the electricity connection of the premises in question has also been disconnected by the BSES, Yamuna Power Ltd., in light of the civil suit pending before the Karkardooma Court, i.e., CS No. 294/2017, titled as “*Vijinder Kumar Versus BSES Yamuna Power Ltd.*”.

6. Issue notice. Notice is accepted by learned counsel appearing for respondent-MCD.

7. Learned counsel appearing for the MCD submits that all the concerned documents had not been filed by the petitioners before this Court.

8. He further submits that, in the other proceedings, the petitioners have filed a Will of the year 2012, which clearly states that construction in the properties in question, is upto second floor, in one part of the properties. He draws the attention of this Court to the Speaking Order dated 30th May, 2025, wherein, it has been noted as follows:-

“xxx xxx xxx

That, the existing construction i.e. Ground Floor, First Floor, Second Floor & Third Floor was constructed without obtaining any sanction building plan i.e. construction is unauthorized and is liable to be demolished as per provisions of MPD-2021 & UBBL-2016. However, after examining the documents submitted by the applicants it is noticed that there must be an existing structure at Property No. 29/120-121, Trilokpuri, Delhi before the cutoff date of protection as



per the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, as the many documents showing to be issued with respect to address 29/120-121, Trilokpuri. However, the will of Smt. Anguri Devi duly registered dated 29.11.2012 (after cutoff date) was examined and it was noticed that, there is a mention with respect to existing structure at P.No. 29/120, Trilokpuri, stating the structure is of two stories building only.

xxx xxx xxx”

9. At this stage, learned counsel appearing for the petitioners submits that no fresh construction has been carried out by the petitioners in the properties in question. She further submits that the requisite application for regularization of the existing construction has not been filed, on account of the various pending civil and criminal litigations pertaining to the title dispute, of the property in question.

10. However, learned counsel appearing for the petitioners submits that they may be granted liberty to approach the MCD and that they are ready to remove any non-compoundable construction, upon proper instruction from the MCD.

11. Considering the submissions made before this Court, liberty is granted to the petitioners to file an appropriate application before the MCD for regularization of the existing structure in the properties in question.

12. It is directed that upon the petitioners filing such application for regularization, the MCD shall consider the same in accordance with law.

13. However, it is clarified that the MCD shall not delve into the question of title or ownership of the properties in question, at the time of considering the applications for regularization.

14. It is clarified that merely because this Court has granted liberty to the petitioners to file an application for regularization before the MCD, the same does not grant any special equity in favour of the petitioners to claim any



right, title over the properties in question, in light of the pending civil disputes with other parties.

15. Accordingly, let the needful be done by the petitioners for filing an application for regularization, within a period of two weeks from today.

16. It is further clarified that any direction passed by this Court in the present petition, shall have no bearing on the merits of the dispute of the petitioners with regard to the title and ownership of the property in question, with other parties.

17. In case, the requisite regularization application is filed by the petitioners, within a period of two weeks, it is directed that during the pendency of the said regularization application, no coercive steps shall be taken by the MCD against the properties of the petitioners.

18. Accordingly, it is directed that in order to allow the petitioners to file their regularization application, no coercive action shall be taken against the petitioners for a period of two weeks. Upon the petitioners filing such application, the same shall be considered on its own merits.

19. Further, an opportunity of personal hearing shall also be granted to the petitioners at the time of considering the application of the petitioners.

20. As directed above, no coercive action shall be taken against the petitioners during the pendency of the regularization application.

21. The petitioners are held bound by any directions that may be given by the MCD for removal of any non-compoundable deviations in the properties in question.

22. Considering the aforesaid, no further directions are required to be passed in the present petition.



23. Accordingly, the present petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

JULY 9, 2025/KR