



\$~45

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

+ **W.P.(C) 17712/2025 & CM APPL. 73143/2025**

**SURYA ASSOCIATES PVT. LTD.**

.....Petitioner

Through: Mr. Lalit Gupta and Mr. Kritik  
Verma, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr. Rohit Kathuria, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**21.11.2025**

%

1. The present writ petition pertains to the entire property bearing Municipal Nos. 8351-8355, Ward No. XIV, Katra Gauri Shankar Khemka, Bara Hindu Rao, Rani Jhansi Road, Near Filmistan Cinema, Delhi-110006, admeasuring 7006 sq. yds. However, during the course of arguments, the petitioner has pointed out that unauthorized construction exists only in a small portion of the property in question, as shown in the photographs attached as *Annexure P-4*.

2. Learned counsel appearing for Municipal Corporation of Delhi ("MCD"), has also handed over to this Court a copy of the order dated 15<sup>th</sup> November, 2025, passed by the Civil Judge in Tis Hazari Courts with respect to certain portion of the property in question. The said order dated 15<sup>th</sup> November, 2025, is reproduced as under:



Item 45(R) 21/11

26 CS SCJ 441/17

SURYA ASSOCIATES PVT LTD Vs. NORTH DELHI MUNICIPAL CORPORATION

15.11.2025

Present : Sh. Kritik Verma, Ld. proxy counsel for plaintiff,  
Sh. Varun Nayyar, LR No.3(b) of defendant no.3.  
Sh. R.K Kashyap, Ld counsel for defendant no.1 & 2/ MCD  
through V/C.

Passover sought by Ld proxy counsel for plaintiff till 12:00 Noon.

UMESH KUMAR  
(Umesh Kumar)

JSCC-Cum-ASCI-Cum-Guardian Judge-02  
Central, Tis Hazari Courts/15.11.2025

At 01:00 P.M

Present : Sh. Lalit Gupta alongwith Sh. Anmol Ghai, Sh. Kritik Verma and  
Ms. Ishita Nautiyal, Ld counsels for plaintiff.  
Sh. Nimish Chib, Ld counsel for LR of defendant no.3 through  
V/C.

Sh. Shivam Nayak, Ld proxy counsel for LR of defendant no.3.  
Sh. Varun Nayyar, LR No.3(b) of defendant no.3.  
Sh. R.K Kashyap, Ld counsel for defendant no.1 & 2/ MCD  
through V/C.

Sh. Varun Nayyar, LR No.3(b) of defendant no.3 submits that he is  
the Sole occupant of premises No. 8352, Main Rani Jhansi Road, Near Filmistan  
Cinema, Delhi-110006, having total land area of around 90 sq. yards. He further  
submits that he and his uncle Mr. Ashok Nayyar are jointly in possession of  
entire premises no. 8353-8354, Main Rani Jhansi Road, Near Filmistan Cinema,



Delhi-110006, having total land area of around 70 sq. yards. He further submits that his uncle Mr. Ashok Nayyar is the sole occupant of premises no. 8351, Main Rani Jhansi Road, Near Filmistan Cinema, Delhi-110006, having total land area of around 90 sq. yards. He further submits that his brothers, mother and sister are not in possession of any of the aforesaid premises and they have already executed registered relinquishment deed in his favour.

He further stated that he shall not carry out any unauthorized construction in the premises bearing no. 8351- 8354, Main Rani Jhansi Road, Near Filmistan Cinema, Delhi-110006.

Separate statement of Sh. Varun Nayyar, LR No.3(b) has been recorded to this effect.

In view of the statement of Sh. Varun Nayyar, LR No.3(b), Ld counsel for plaintiff submits that upon instructions from the plaintiff, he does not wish to pursue the present suit any further. Separate statement of Ld counsel for plaintiff has been recorded.

In view of the statements so recorded, the present suit is disposed off.

Both the parties are directed to remain bound by their respective statements.

File be consigned to Record Room after due compliance.

UMESH  
KUMAR  
(Umesh Kumar)

Digitally signed  
by UMESH  
KUMAR  
Date: 2025.11.15  
13:23:17 +0530

JSCC-Cum-ASCJ-Cum-Guardian Judge-02  
Central, Tis Hazari Courts/15.11.2025

3. Since the present writ petition has been filed praying relief with respect to the whole of the property in question, when the cause of action is shown to exist only as regards a small portion of the said property, such a prayer as made in the present writ petition, with regard to whole of the property, would not be maintainable.



4. At this stage, learned counsel appearing for the petitioner submits that he may be granted liberty to withdraw the present writ petition, and file a fresh petition, specifically dealing with the area where unauthorized construction has taken place.
5. Accordingly, the present writ petition, along with the pending application, is dismissed as withdrawn, with the aforesaid liberty.

**MINI PUSHKARNA, J**

**NOVEMBER 21, 2025/KR**