



2025:DHC:11978



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 23rd December, 2025**+ **W.P.(C) 19600/2025 & CM APPL. 81941/2025****MARY JOSEPH**

.....Petitioner

Through: **Mr. Krishan Kumar, Mr. Shivam Bedi
and Mr. Anubhav Kumar, Advocates**
Mob: 9810068575

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Harshit Chopra and Ms. Swati
Tiwari, Advocates for MCD**
Mob: 9911543883
Email: advharshitchopra@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking permission of six weeks to apply for regularization of permissible/condonable construction, in terms of the policy of the "Policy & Procedure for Permission and Regularization of Additional Alteration in Delhi Development Authority ("DDA") Flats" ("Policy").
2. Learned counsel appearing for the petitioner submits that the area has already been de-notified and that the MCD is the concerned authority, which is dealing with the building activities in the area in question.
3. It is submitted that the petitioner is the owner of property bearing *Flat No. B-420, Pocket B, Sarita Vihar, New Delhi-110044* and that the petitioner has been living in the said property for more than 21 years.
4. Learned counsel appearing for the petitioner submits that the



petitioner had raised certain temporary construction in the year 2007, on the roof top, backside corridor, and grill on terrace of the above property. However, the said construction is within the permissible limit, as per the Policy. Thus, the present writ petition has been filed, in order to enable the petitioner to approach the MCD, for the purposes of regularization.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent, who submits that the unauthorized construction in the property in question was booked in the year 2020.

6. He further submits that demolition order *qua* the property was passed way back in the year 2020. Subsequently, action has been taken on the third floor of the flat by demolishing and removing the excess coverage on the third floor. Moreover, one room at the terrace, out of three rooms existing therein, had been demolished in the year 2021.

7. He further submits that two contempt petitions are already pending *qua* the unauthorized construction in the property in question, being *Contempt Petition Nos. 203/2021 and 753/2020*.

8. At this stage, learned counsel appearing for the petitioner submits that he has not carried out any further construction and undertakes not to carry out any further construction.

9. Having heard learned counsels appearing for the parties, it is noted that the unauthorized construction existing in the property in question already stands booked by the MCD, in the year 2021, and partial demolition action already stands taken by the MCD therein.

10. This Court takes note of the submission of learned counsel appearing for the petitioner that the petitioner intends to file an application for regularization of the existing construction in the property in question.



11. Accordingly, considering the submission made before this Court, liberty is granted to the petitioner to file an application for regularization of the construction existing in the property in question, within a period of three weeks, from today
12. Upon the petitioner filing the application for regularization, the same shall be considered by the MCD, in accordance with law.
13. It is further directed that at the time of considering the application of the petitioner for regularization, hearing shall be granted to the petitioner or her authorized representative.
14. It is directed that the petitioner shall comply with all the directions as issued by the MCD, in regard to regularization application filed on behalf of the petitioner, including removal of any non-compoundable deviations.
15. After removal of the non-compoundable deviations, in terms of the directions of the MCD, the petitioner shall communicate the same to the MCD.
16. The MCD shall duly inspect the premises and satisfy itself that the non-compoundable deviations have been removed.
17. Upon such satisfaction of the MCD with regard to non-compoundable deviations having been removed, the MCD shall proceed to pass appropriate orders, in accordance with the Policy.
18. It is further directed that no coercive action shall be taken against the property of the petitioner, during the pendency of the regularization application of the petitioner.
19. The MCD shall consider and dispose of the application for regularization of the petitioner's property, expeditiously, preferably, within a period of three months.



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20. It is clarified that this Court has not expressed any opinion on the merits of the case, and that only limited protection has been granted to the petitioner.

21. All rights and contentions of the parties are left open.

22. In case, the petitioner is aggrieved by any order passed by the MCD, the petitioner is at liberty to seek remedies, in accordance with law.

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

MINI PUSHKARNA, J

DECEMBER 23, 2025/SK