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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 231/2026**

ABHIJIT RAI VAISH HUF

.....Petitioner

Through: Mr. Aayush Agarwala, Mr. Prakash
Jha, Advs.

versus

MANOJ KUMAR

.....Respondent

Through: Mr. Kapil Dutta, Mr. Rachit Singh,
Advs. for MCD

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **09.02.2026**

CM APPL.8861/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition alleges wilful disobedience/ non-compliance on the part of the Municipal Corporation of Delhi with existing judicial orders pertaining to property bearing No(s). 1B, 2A, 3A and 4A, Adchini, New Delhi-110017.

4. Learned counsel for the petitioner makes a two-fold submission. Firstly, it is submitted that the fifth floor of the concerned property is admittedly unauthorised. It is submitted that even the Appellate Tribunal, MCD in its judgment/order dated 23.04.2025 did not interfere with the demolition order issued in respect of the fifth floor of the concerned property. *Vide* the said order, the matter was remanded to the MCD to examine the contentions made by the owner/occupant of the fourth floor of the property to the effect that the latter is entitled to protection under the



NCT of Delhi Laws (Special Provisions) Second Act, 2011.

5. Secondly, it is contended that, the MCD was remiss in considering the matter in right perspective pursuant to the aforesaid order dated 23.04.2025, as a result of which subsequent petition was filed by the owner-occupant of the fourth floor of the property, whereby, an interim order has been passed by the Appellate Tribunal, MCD *qua* demolition of the fourth floor of the property in question.

6. Mr. Kapil Datta, learned Standing Counsel appearing for the MCD accedes that requisite demolition action is required to be taken in respect of the fifth floor of the property in question. He assures and undertakes, on instructions, that the said action will be taken as expeditiously as possible. Let the same be done within a period of eight weeks from today.

7. As regards the fourth floor of the property in question, the matter is under consideration of the Appellate Tribunal, MCD.

8. After some hearing, at joint request of respective counsel for the parties, the Appellate Tribunal, MCD is directed to bestow its urgent attention to the matter and ascertain whether the fourth floor of the property is unauthorised or not. In case the same is found to be unauthorised/ illegal, appropriate orders may be passed for demolition thereof. Let the Appellate Tribunal, MCD make an endeavour to conclude the proceedings in this regard, as expeditiously as possible.

9. The petition is disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 9, 2026/uk