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

+ **W.P.(C) 2376/2026**

CHETNA SHARMA

.....Petitioner

Through: Mr. Ankit Banati, Mr. Vikas Maini,
Mr. Deepak Mahajan and Mr. Sanchit
Sehgal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Ms. Mansi Gupta, Advocate for
MCD.

Ms. Prabhsahay Kaur, Mr. Kamlendu
Pandey and Mr. Bir Indir Singh,
Advocates for R-2.

Mr. Tarun Narang and Mr. Keshav
Pawar, Advocate for R-4 and R-5.

Mr. Shantanu Bhardwaj, Advocate for
R-6.

Mr. Manoj Kumar Tyagi and Mr.
Sandeep Tyagi, Advocates for R-7.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **11.05.2026**

1. The present writ petition has been filed seeking a direction to the respondent no.1/MCD to demolish the unauthorised construction carried out by the respondents no.4 to 7 at the properties bearing *House Nos. 146, 148, and 150, Site-2, Vikas Puri, New Delhi*. Further direction is sought directing the respondent no.2 to provide the correct site plan of the property of the respondents no.4 and 5 (*House no. 150, Site-2, Vikas Puri, New Delhi*) to the



respondent no.1/ MCD so that the extent of unauthorised construction may be determined.

2. Earlier, a writ petition being W.P.(C) 8109/2025, was filed on behalf of the petitioner, which was disposed of by this Court *vide* order dated 11th September, 2025, taking note of the status report filed on behalf of MCD stating that MCD has initiated action against the unauthorised construction.

3. The grievance of the petitioner is that despite the aforesaid order having been passed, no action has been taken by the respondent no.1/ MCD.

4. Status report is stated to have been filed on behalf of the respondent no.1/MCD. However, the same is not on record.

4.1. Copy of the status report has been handed over in Court and the same is taken on record.

4.2. Copy of the same has also been handed over to the counsel appearing on behalf of the petitioner and private respondents.

5. As per the status report, the following position exists in respect of the three subject flats as well the petitioner's flat:-

- i. Flat No.146 – The property was inspected by MCD officials and unauthorized construction in the shape of extension/excess coverage on ground floor was noticed. Hence, Show Cause Notice dated 9th April, 2026 has been issued.
- ii. Flat No.148 – After following due process of law, a demolition order was passed on 16th April, 2026 in respect of unauthorised construction in the shape of rooms. However, since the said construction in the said flat was found to exist prior to the cut off date of 7th February, 2007, the demolition order has been kept in abeyance in terms of the provision of NCT of Delhi



Laws (Special Provisions) Act, 2007 till 31.12.2026.

- iii. Flat No.150 – Demolition order was passed in respect of unauthorised construction in the shape of rooms and balcony in the said property on 16th April, 2026. The first floor of the subject flat was found to be constructed prior to 7th February, 2007 and hence, is entitled to protection under NCT of Delhi Laws (Special Provisions) Act, 2007. However, the Second Floor was found to be constructed after 2010 and hence, not entitled for protection. Accordingly, a demolition order has been passed in respect of the second floor of the subject property.
- iv. Petitioner's property (Flat No. 147) – Unauthorized construction in the shape of extension/excess coverage has been found on the Ground Floor of the said property. Hence a Show Cause Notice dated 9th April, 2026 has been issued.

6. In view of the aforesaid status report, the present writ petition is disposed of while directing the respondent no.1/MCD to carry out demolition action in respect of the Second Floor of Flat No.150 within four (4) weeks from today. The respondent/MCD shall take appropriate action in accordance with law, in respect of the unauthorised construction in the petitioner's property, i.e., Flat No. 147 and Flat No.146.

7. All rights, contentions and legal remedies of the parties are kept open.

AMIT BANSAL, J

MAY 11, 2026

Vivek/-