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

+ W.P.(C) 5203/2026, CM APPL. 25475/2026 & CM APPL. 25476/2026

VINOD KUMAR & ANR.Petitioners

Through: Mr. Nakul Dev, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Aarushi Tikku, Advocate for MCD.

Mr. K.V. Sriwas Narayanan and Mr. Gurjas Singh Narula, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

20.04.2026

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1. The present writ petition has been filed seeking quashing of the order dated 10th March, 2026 passed by the respondent/MCD, rejecting the regularization application filed on behalf of the petitioners.
2. It is the case of the petitioners that the aforesaid order is non-speaking and it does not indicate the extent of unauthorized construction, which cannot be regularized.
3. Ms. Aarushi Tikku, counsel appearing on behalf of the respondent/MCD submits that the present writ petition is not maintainable as the appropriate remedy for the petitioners would be to approach the Appellate Tribunal, MCD ('ATMCD'). She further submits that the



petitioners have not disclosed that a specific communication was sent by MCD, detailing the unauthorized construction that has been carried out by the petitioners.

4. Counsel appearing on behalf of the private respondent no.3 submits that the submission of the petitioners that the unauthorized construction is old and dated is not correct.

5. Counsel for the respondent no.3 has drawn attention of the Court to order passed by the Supreme Court on 30th April, 2025 in **Kaniz Ahmed v. Sabuddin & Ors.**, 2025 INSC 610. Paragraphs 6 and 7 of the said order are set out below:

“6. The learned counsel appearing for the petitioner would submit that her client be given one chance to pray for regularisation of the unauthorised construction. We do not find any merit in such submission. A person who has no regards for the law cannot be permitted to pray for regularisation after putting up unauthorised construction of two floors. This has something to do with the rule of law. Unauthorised construction has to be demolished. There is no way out. Judicial discretion would be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law. We are at pains to observe that the aforesaid aspect has not been kept in mind by many State Governments while enacting Regularisation of Unauthorized Development Act based on payment of impact fees.

7. Thus, the Courts must adopt a strict approach while dealing with cases of illegal construction and should not readily engage themselves in judicial regularisation of buildings erected without requisite permissions of the competent authority. The need for maintaining such a firm stance emanates not only from inviolable duty cast upon the Courts to uphold the rule of law, rather such judicial restraint gains more force in order to facilitate the well-being of all concerned. The law ought not to come to rescue of those who flout its rigours as allowing the same might result in flourishing the culture of impunity. Put otherwise, if the law were to protect the ones who endeavour to disregard it, the same would lead to undermine the deterrent effect of



laws, which is the cornerstone of a just and orderly society.”

6. What flows from the aforesaid observations of the Supreme Court is that the petitioners cannot carry out unauthorized construction and then seek to carry out regularization of the same.
7. Accordingly, this Court does not find any merit in the present writ petition and the same is dismissed.
8. Pending applications stand disposed of.

AMIT BANSAL, J

APRIL 20, 2026

Vivek/-