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

+ **CONT.CAS(C) 674/2026**

OM PRAKASH YADAV

.....Petitioner

Through: Mr. Umang Tyagi, Mr. Sanyam
Dahiya, Advs.

versus

**TARUN SHANKAR ARYA, EXECUTIVE ENGINEER, KAROL
BAGH ZONE, MCD & ORS.**

.....Respondents

Through: Mr. Rajneesh Verma, Advs. for R2 &
R4

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **20.04.2026**

CM APPL.25865/2026 (Exemption)

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

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3. The present petition has been filed by the petitioner alleging wilful disobedience/ non-compliance of the direction contained in the order dated 13.10.2025 passed by this Court in W.P.(C) 7949/2025. The operative directions therein reads as under:-

“7. Accordingly, the MCD is held bound to take action against the unauthorized construction, existing in the property in question, however, subject to any order that may be passed by the ATMCD.

8. Since this Court is informed that there is no stay operating in favour of respondent nos. 3 to 5, accordingly, the MCD is at liberty to take action.

9. At this stage, learned counsel appearing for respondent no. 3 to 5 submits that learned Presiding Officer of the ATMCD has resumed charge from today, i.e., 13th October, 2025. He, thus, submits that he shall be moving appropriate application before the ATMCD.

10. He further submits that since the Presiding Officer has resumed charge only today, he may be granted time of at least ten days to file an appropriate



application, before the ATMCD, and he ought to be protected during that period.

11. Accordingly, it is directed that only for a period of two weeks, no coercive action shall be taken against the property of respondent nos. 3 to 5, in order to allow the said respondents to move an appropriate application before the ATMCD.

12. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be heard by the learned ATMCD.

13. Rights and contentions of all the parties are left open.

14. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.”

4. The said order was passed in the context of allegations regarding unauthorised construction in property bearing No. WZ-92B, Village Todapur, New Delhi-110012 (Khasra No. 434 min. admeasuring 191 sq. meters).

5. It is submitted that initially an interim protection of two weeks was granted by this Court in order dated 13.10.2025, at the behest of the owner/occupier of the property in question, in order to allow them to move an appropriate application before the Appellate Tribunal Municipal Corporation of Delhi (ATMCD). Thereafter, the ATMCD *vide* an order dated 01.04.2026 passed in A. No. 714/25 (and connected matter) dismissed the stay application filed by the owner/occupier of the property in question.

6. Learned counsel for the MCD who appears on advance notice submits that currently there is no interim order which prevents the MCD from taking any action *qua* the unauthorised construction. It submitted that the requisite demolition action is scheduled to be taken on 22.04.2026. It is assured that the MCD would take necessary action on the said date to remove the unauthorised construction.

7. In view of the aforesaid statement made by learned counsel for the MCD to the effect that requisite action shall be taken for demolition of the



unauthorised construction, no further orders are required to be passed in the present petition. The same is accordingly disposed of, taking on record the aforesaid statement.

8. Needless to say, the aforesaid action to be taken by the MCD shall be subject to any interim order/s that may be passed at the behest of owner/occupier of the property in question.

9. It is further agreed that the MCD shall also duly inspect the property of the petitioner (which is just adjacent to the aforementioned property), to ascertain whether any unauthorized construction is subsisting or being carried out therein. If so, necessary action with regard to the said property shall also be taken by the MCD.

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

SACHIN DATTA, J

APRIL 20, 2026/uk