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

+ W.P.(C) 5307/2026, CM APPL. 25997/2026 & CM APPL. 25998/2026

SH DAYA CHAND YADAV

.....Petitioner

Through: Mr. Praveen Suri and Mr. Rajneesh Verma, Advocates.

versus

THE COMMISSIONER, MCD AND ANR.

.....Respondents

Through: Mr. Kapil Dutta, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

20.04.2026

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1. The present writ petition has been filed challenging the impugned order passed by the Appellate Tribunal, MCD (hereinafter 'ATMCD') on 1st April, 2026 whereby the application seeking interim stay filed on behalf of the petitioner has been dismissed.
2. The petitioner had filed an appeal along with the application seeking interim stay against the order of MCD rejecting the regularization application on behalf of the petitioner.
3. Earlier, the petitioner had also filed two (2) appeals before the ATMCD challenging the demolition orders passed by the MCD. The said appeals were dismissed by the ATMCD on 28th October, 2025.
4. The petitioner along with his brother Sh. Chandan Lal had filed another writ petition being W.P.(C) 3586/2026 which came up before the Coordinate Bench of this Court. *Vide* order dated 30th March, 2026, the petitioner was declined stay of the proceedings before the ATMCD.



5. Subsequently, the impugned order was passed by the ATMCD on 1st April, 2026 rejecting the application seeking interim stay filed by the petitioner. The relevant extracts from the said impugned order are set out below:

7. I have perused the record. Admittedly, the two appeals challenging the demolition order bearing appeal No.451/25 and 476/25 have been dismissed by this Tribunal on 28.10.2025. The appellants in this appeal are challenging the order of rejection of their regularization application and through interim application are seeking restrains from demolishing the property. Once this relief in the appeals challenging the demolition order was declined, the appellants cannot be permitted to seek that relief indirectly in this appeal.
8. Coming to the merits of this application, the appellants are required to show a prima-facie case in their favour. The impugned order shows that there exists non-compoundable projections on the municipal land at all the floors of the property. The appellants are required to know while applying for regularization through Licensed Architect that projections on municipal land are non-compoundable and building cannot be regularized if these projections exists. The appellants did not try to demolish these existing projections and instead filed this appeal to get the structure regularized which is in violation of UBBL-2016/MPD-2021. Though there exists several other grounds for rejection of regularization application but this ground of projections on municipal land in itself is sufficient to record that no prima facie case is made out in favour of the appellants. The question whether the appellants are entitled to proportionate FAR of the larger plot, the site plan placed on record show that there exists four dwelling units each in the two buildings in both the appeals measuring 76.5 sq.yds. each. It means that there are total eight dwelling units in two buildings. The same is not permissible if the appellants seek proportionate FAR for the entire plot measuring 191.8 sq.mtr./229.39 sq. yds.

6. The impugned order clearly notes that there are non-compoundable



projections on the municipal land on all the floors of the property and there cannot be any regularization till the time the said non-compoundable projections exist.

7. Mr. Praveen Suri, counsel appearing on behalf of the petitioner submits that the petitioner is willing to demolish these projections. However, the fact of the matter is that if the petitioner intended to demolish these projections, the same should have been done before filing the regularisation application.

8. Attention of the Court is drawn to the order passed by the Supreme Court on 30th April, 2025 in **Kaniz Ahmed v. Sabuddin & Ors., 2025 INSC 610**. The relevant extracts from 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.”



[emphasis supplied]

9. From a reading of the aforesaid observations of the Supreme Court, it is clear that the petitioner cannot carry out unauthorized construction and then seek regularization of the same.
10. Accordingly, I do not find any merit in the present writ petition and the same is dismissed.
11. All pending applications stand disposed of.

AMIT BANSAL, J

APRIL 20, 2026

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