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

+ W.P.(C) 5427/2026 with CM APPL. 26578/2026 and CM APPL. 26579/2026

TARUN CHAWLA AND ANR

.....Petitioners

Through: Mr. Manish Chawla, Advocate for
petitioner No.2

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Manu Chaturvedi, Standing
Counsel for MCD with Mr. Kshitiz
Kishor Rai, Advocate for MCD
Mr. Gautam Narayan, Senior
Advocate with Mr. Ayush Gupta,
Advocate for R-7

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **22.04.2026**

1. This writ petition has been filed seeking direction to the respondent no.1/ MCD to give effect to the demolition order passed on 5th February, 2014 to the extent it pertains to the basement portion of the property bearing no. 24/70, *Punjabi Bagh West, New Delhi* ('subject property'), as the same has attained finality.
2. The demolition order dated 5th February, 2014 has been filed as *Annexure P-1* to the writ petition, wherein it was noted that there is unauthorised construction in the basement which is required to be demolished.
3. The petitioner filed an earlier writ petition being *W.P.(C) 14345/2022*,



which was dismissed by this Court vide order dated 27th May, 2024, noting that the petitioner had filed a civil suit and the dispute raised in the said petition is a part of the said civil suit. Relevant observations are set out below:

“5. It can be seen, that the concerned civil court is seized of the contention raised by the petitioner herein with regard to the alleged misuse of the basement of the property in question. Further, the said civil suit is still pending.

6. In the circumstances, since the petitioner has already exercised the option of approaching the civil court to raise the grievance as regards the alleged misuse of the basement in question, it would not be apposite to entertain the present petition. The same is, accordingly, dismissed, however, leaving open to the petitioner to pursue his remedies before the concerned civil court which is already seized of the matter.”

4. The aforesaid order was challenged by the petitioner by filing an LPA being *LPA 499/2024* which was disposed of as the petitioner sought to withdraw the civil suit and file a fresh writ petition. Accordingly, the civil suit was withdrawn by the petitioner on 24th January, 2026 and the present writ petition has been filed thereafter.

5. Mr. Manu Chaturvedi appearing on behalf of respondent no.1/ MCD has handed over a speaking order dated 20th September, 2024 passed under Section 345-A of the Delhi Municipal Corporation Act, 1957 (DMC Act), which has not been disclosed in the petition.

5.1. The said order is taken on record.

6. The aforesaid order was passed by MCD after hearing all the residents of the subject property including the petitioner herein. In the said order, it has been noted that the construction in the basement (LGF) and ground floor (UGF) is old and prior to 2007 and hence, the same is protected under National Capital Territory of Delhi Laws (Special Provisions Act), 2007. However, deviations were carried out at first floor and second floor of the



subject property after 2007. Further, it was also noted that construction of third floor is entirely unauthorised and without any sanction plan.

7. It was also directed in the said speaking order that unauthorised construction/ erection of work at the first floor, second floor and third floor of the subject property be sealed forthwith.

8. The aforesaid order has been challenged by the petitioner as well as the private respondents before ATMCD to the extent it proceeds to seal the first floor, second floor and third floor of the subject property. The appeal is stated to be pending.

9. To be noted, the aforesaid order, to the extent that it holds that the basement is an old construction, has not been challenged by the petitioner.

10. Pertinently, the said speaking order has not been disclosed by the petitioner in the present writ petition.

11. In light of the aforesaid speaking order dated 20th September, 2024 passed by the respondent no.1/ MCD holding that the basement (LGF) is constructed prior to 2007 and is entitled to protection under the Act, the relief sought in the present petition cannot be granted.

12. Accordingly, the writ petition is dismissed.

13. The pending applications also stand disposed of.

AMIT BANSAL, J

APRIL 22, 2026

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