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

+ **W.P.(C) 5747/2026**

POOJA

.....Petitioner

Through: **Mr. Bibhas Bhardwaj, Advocate**

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: **Mr. Harshit Chopra, Standing
Counsel with Ms. Swati Tiwari,
Advocate for MCD along with
Mr. Manoj Rana, AE, Building, West
Zone, MCD
Mr. Mayank Rustagi, SPC with
Ms. Swati, Advocate for R-3**

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
28.04.2026**

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1. The present writ petition has been filed seeking a direction to demolish the unauthorised construction being carried out by respondent no.2 at property no.S-85, *Param Puri, Uttam Nagar, New Delhi*.
2. In the memo of parties, the petitioner has given her address as S-47, *Param Puri, Uttam Nagar, New Delhi*. This suggests that the petitioner's property is located at some distance from the subject property.
3. In these circumstances, the construction in the subject property does not affect any of the legal rights of the petitioner.
4. It is a settled position of law that only a person who is an immediate



neighbour and is affected by the unauthorised construction can file a petition under Article 226 of the Constitution of India, seeking demolition. Reference in this regard is made to the judgment passed by this Court in W.P.(C) 9470/2021 titled as “***Shiv Kumar v. South Delhi Municipal Corporation***” and W.P.(C) 16811/2025 titled as “***Tarun Kumar v. Govt. of NCT of Delhi***”, wherein it was observed that a writ petition filed by a person who is not directly affected and fails to establish locus standi, particularly when based on mere incidental proximity to the subject property, is not maintainable.

5. Admittedly, the petitioner in the present case does not have any connection with the property in question. The petitioner has failed to show how any fundamental or legal right of the petitioner is being affected by any alleged construction activity carried out in the subject property.

6. In this backdrop, this Court is not inclined to exercise its power under Article 226 of the Constitution of India to grant the relief sought by the petitioners.

7. Accordingly, the present petition is dismissed.

AMIT BANSAL, J

APRIL 28, 2026
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