



2026:DHC:3698



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 29.04.2026

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CONT.CAS(C) 763/2026, CM APPL.28894/2026

SH CHANDAN LAL YADAV AND ANR

.....Petitioners

Through: Mr. Praveen Suri, Advocate.

versus

TARUN SHANKAR ARYA EXECUTIVE ENGINEER KAROL
BAGH ZONE AND ORS

.....Respondents

Through: Mr. Umang Tyagi, Mr. Sanyam
Dahiya, Advs. for R4.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition alleges wilful disobedience of the directions contained in the order dated 13.10.2025 passed in W.P.(C) 15137/2025. The said order reads as under:-

"1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD"), to take action against the unauthorized construction and encroachment in respect of property bearing Nu. WZ-92A, Todapur Village, New Delhi-110012.

2. Learned counsel appearing for the MCD submits that the aforesaid property has already been inspected and the same constitutes ground floor, first floor, second floor and part fourth floor. He submits that no current ongoing construction was found.

3. He submits that since there was no Sanctioned Building Plan with respect to the property in question, the department is under the process of issuing the Show Cause Notice to the respondent no. 2.

4. At this stage, learned counsel appearing for respondent no. 2 submits that the construction in the property in question is old and occupied, and



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is therefore protected under the Delhi Special Laws (Amendment) Act, 2011.

5. Accordingly, it is directed that requisite action, if required, shall be taken by the MCD, after following the due process, in accordance with law.

*6. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner shall be at liberty to approach the Special Task Force ("STF") as constituted by the Supreme Court, in terms of the orders passed by the Division Bench of this Court in the case of **Devender Versus Govt. of NCT of Delhi and Ors.**, and other connected matters, in **W.P.(C) 1807/2018**, and **Fazruddin Versus DDA and Ors.**, in **W.P.(C) 4649/2017**.*

7. In case, respondent no. 2 is aggrieved by any action on the part of the MCD, their right to seek remedies, in accordance with law, is reserved.

8. The outcome of the proceedings before the MCD with regard to the property in question shall be duly communicated to the petitioner, through petitioner's counsel, on the E-mail, which is reflected in today's order.

9. Noting the aforesaid, the present writ petition, along with the pending applications is accordingly disposed of."

2. Learned counsel for the petitioner submits that the requisite action in respect of the concerned property has not been taken by the MCD, despite the fact that the MCD has allegedly acted with great alacrity with regard to another property, which is adjacent to the property in question in the present petition.

3. In this regard, reliance is placed on the order dated 20.04.2026 passed in CONT.CAS(C) 674/2026, at the behest of the respondent no.4 herein.

4. During the course of hearing, learned counsel for the MCD, who appears on advance notice, submits that a show cause notice was issued to the respondent no.4 with regard to the unauthorised construction subsisting in the property of the said respondent (pursuant to the directions passed in the aforesaid order dated 13.10.2025).



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5. It is pointed out that plea has been taken that the said property enjoys protection of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.
6. Considering the circumstances, and the serious allegations levelled by the petitioner against the concerned officials of the MCD, it is directed that the show cause notice in question shall be expeditiously adjudicated by the Executive Engineer, MCD.
7. Further, it is directed that the property in question shall be inspected by the Executive Engineer, MCD, in the presence of the petitioner.
8. The vintage of the property shall be ascertained only on the basis of documentary evidence that may be provided by the respondent no.4, *inter alia*, to establish that the entire structure was erected prior to the cut off date in the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.
9. Let necessary adjudication be completed within a period of four weeks from today. Let requisite action, as may be warranted, be taken within a period of four weeks thereafter.
10. The petition is disposed of in the above terms. Pending application also stands disposed of.
11. Let a compliance affidavit be filed by the concerned respondents, within 12 weeks.
12. List for reporting compliance on 14.09.2026.

SACHIN DATTA, J

APRIL 29, 2026/r