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

+ W.P.(C) 6206/2026 with CM APPL. 30468/2026 and CM APPL. 30469/2026

HIMANSHU SHARMA

.....Petitioner

Through: Mr. Ikrant Sharma, Mr. Manish Yadav and Mr. Suyash Shanker, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
COMMISSIONER & ORS.

.....Respondents

Through: Mr. Ashutosh Gupta, ASC for MCD.
Mr. Anubhav Gupta, Panel Counsel (Civil), GNCTD.
Mr. Honey Khanna, SPC for UoI.
Insp. Manoj Kumar, PS-Lahori Gate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

07.05.2026

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1. The present writ petition has been filed seeking a direction to the respondent no.1/MCD to take action against the unauthorized construction and amalgamation of *Property No.429, Kucha Brij Nath and Shop No. 1-A, 1 to 6, Property No. 507, Gali Krishna, Katra Neel, Chandni Chowk, Delhi* (hereinafter the 'subject properties'). It is the case of the petitioner that the owners of the aforesaid shops have amalgamated the subject properties to create one shop.

2. Mr. Ashutosh Gupta, counsel appearing on behalf of the respondent no.1/ MCD has drawn attention of the Court to a previous writ petition being



W.P.(C) 12180/2025, titled '**Rupali Sharma v. Municipal Corporation of Delhi and Ors.**' which was disposed of by this Court on 10th September, 2025. It is submitted that the said petition was filed by Rupali Sharma, who is the sister in-law of the present petitioner and since she did not succeed in her writ petition, another writ petition has been filed by the petitioner.

3. The aforesaid writ petition seeking identical reliefs, in respect of the same property, was disposed of by this Court *vide* Order dated 10th September, 2025, on the basis of averments made in the counter-affidavit filed by the MCD in the said petition. Paragraphs 4 and 5 of the said order are set out below:

“4. The relevant portions of the counter affidavit filed by the MCD, reads as under:

“xxx xxx xxx

5. That upon inspection of the premises, it was observed that the subject properties constitute old, occupied, and long-standing constructions, with no evidence of any fresh or ongoing construction activity, at the site. No structural alterations or additions indicative of recent or continuing construction were found at the time of inspection.
6. That during the course of inspection, the owners/occupiers of the premises produced and furnished documents to substantiate their claim of the properties being duly protected under the provisions of “The National Capital Territory of Delhi Laws (Special Provisions) Act” 2023, and subsequent enactments/amendments thereof. The documents so produced included, inter alia, registered Sale Deeds, House Tax Survey Reports, notice under section 126 of the DMC Act and assessment order maintained by the local authorities, which prima facie supports the claim of protection.



7. That further, the inspection team also noticed that a pathway/rasta exists, which extends from property bearing No. 507, Krishna Gali, Katra Neel, and leads towards/passes through property bearing No. 429, Kucha Brij Nath, Chandni Chowk, Delhi. The same was duly recorded during the inspection proceedings.

8. That it is respectfully submitted that the answering Respondent has acted strictly in compliance with the directions issued by this Hon'ble Court and has faithfully placed on record the factual position as noticed on the spot, without entering into any adjudication upon disputed questions of title, ownership, or inter se rights of the parties, which do not fall within the statutory domain of the Municipal Corporation, at this stage.

xxx xxx xxx”

5. In view of the said counter affidavit filed by the MCD, no further directions are required to be passed by this Court.”

4. Pertinently, it is the petitioner's own case that the unauthorized construction began in early 2025, however, the present writ petition has been filed only in May, 2026.

5. The petitioner raises disputed questions of fact which cannot be raised in writ jurisdiction.

6. In view of the aforesaid order passed by the Court in the aforesaid writ petition, this Court is not inclined to entertain the present writ petition.

7. Accordingly, the present writ petition, is dismissed. All pending applications stand disposed of.

8. Liberty is given to the petitioner to take appropriate remedies that



may be available in law.

MAY 7, 2026

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AMIT BANSAL, J