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

+ LPA 359/2026

MD. REYAZUDDIN

.....Appellant

Through: Mr. Diwanshu Sehgal, Mr. Vikran Chowdhary, Mr. Mohd. Anas, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Mukesh Gupta, SC and Ms. Madhu Yadav, Ms. S. Roy, Ms. Gurleen Kaur Sron Mr. S. Shukla, Mr. Ashutosh Gupta, ASC with Mr. Arman P. Monga, Adv. for MCD Ms. Geetanjali Sharma, Sr. CGSC with Mr. Harsh Vashisht, Adv. Mr. Vivek Sharma, Sr. Panel Counsel for R-3 and 4 SI Abhishek Singh, P. S. Wazirabad

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **14.05.2026**

CM APPL. 32483/2026

1. Having heard learned counsel for the parties and perused the averments made in the application seeking condonation of delay, the application is allowed and delay in filing the appeal is hereby condoned.

2. The application stands disposed of.

LPA 359/2026 & CM APPL. 32482/2026, CM APPL. 32507/2026

3. Heard learned counsel for the parties.



4. This letters patent appeal challenges an order dated 20.11.2025 passed by learned Single Judge in W.P.(C) 17678/2025 instituted by respondent no.5, whereby the learned Single Judge has noted the statement made on behalf of the Municipal Corporation of Delhi (MCD) and directed the MCD to take action against any unauthorised construction being raised in the property in question after following the due procedure in accordance with law.

5. Learned Single Judge has further directed that in case, there is any ongoing construction, the same shall be stopped forthwith by the concerned officials of the MCD with the assistance of the station house officer concerned.

6. Learned counsel for the appellant has stated that the impugned order was passed by learned Single Judge without issuing any notice to the appellant and, therefore, the order needs to be set aside.

7. On a consideration of the submissions made by the learned counsel for the parties, we are not inclined to entertain this appeal for the following reasons:-

- a. The Learned Single Judge after noticing the statement made on behalf of the MCD has observed, that a complaint dated 15.09.2025 was filed and that the property in question shall be inspected and requisite action against unauthorised construction, if any, shall be taken in accordance with law. Learned Single Judge has, thus, directed to take action against any unauthorised construction in view of the statement made on behalf of the Municipal Corporation of Delhi.
- b. We have been informed that after the impugned order passed by the learned Single Judge, the property was inspected and notices were



issued to the appellant whereupon under appropriate proceedings under the Delhi Municipal Corporation Act, 1957, an order of demolition has been passed.

c. It has been submitted across the bar that the appellant has already challenged the order of demolition by invoking the appellate remedy before the Appellate Tribunal of the MCD.

8. In view of the aforesaid, the impugned order dated 20.11.2025 does not cause any prejudice to the appellant for the reason that the action, which has been directed by learned Single Judge to be taken, is being taken in accordance with law and procedure as prescribed under the MCD Act, where the appellant has not only been given opportunity of hearing before passing the demolition order, but has also been permitted to avail the remedy of appeal.

9. Accordingly, the present appeal alongwith pending applications stand dismissed.

10. However, we may observe that any observation made by Learned Single Judge will not come in the way of appeal filed by the appellant, which is pending consideration before the Appellate Tribunal of the MCD.

11. No order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 14, 2026/j