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

+ W.P.(C) 6763/2026 & CM APPL. 33263/2026, CM APPL. 33264/2026

GIRDHARI LAL TIWARI

.....Petitioner

Through: Mr. Vikram Nandrajog, Mr. Sheetesh Khanna and Mr. Kartik Wadhwa, Advocates

versus

**MUNICIPAL CORPORATION
OF DELHI AND ORS.**

.....Respondents

Through: Mr. Kumar Shashwat Singh Sawno, SC for MCD with Mr. Vishal Singh and Mr. Harsh P., Advocates for MCD

Mr. Sanjeev Sindhvani, Senior Advocate with Mr. Gaurav Sindhvani, Advocates for R-3 and R-11

Mr. Harman Singh, Advocate for R-3 and R-11

Mr. Kirtiman Singh, Senior Advocate with Mr. Sandeepam Pathak, Mr. Maulik Khurana and Mr. Rahul Gupta, Advocates for R-52 and R-66

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

18.05.2026

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1. The present writ petition has been filed seeking the following reliefs:-



- a) Issue a writ of mandamus or any other appropriate writ/order/direction directing the Respondents to immediately stop and seal the ongoing illegal and unauthorized construction at property bearing Nos. 1839–1853/1859, Bissomal Colony, Bhagirath Palace, Chandni Chowk, Delhi and call the records maintained by the respondent no. 1 qua the subject property;
- b) Direct demolition/removal of the unauthorized construction raised at the subject property, being in violation of the Unified Building Bye-Laws, 2016, Master Plan of Delhi-2021, and heritage protection norms and against the mandate of order dated 03.10.2024;
- c) Direct Respondent authorities to ensure strict compliance of Annexure-II of Unified Building Bye-Laws, 2016, including mandatory consultation and approval of the Heritage Conservation Committee before permitting any reconstruction;

2. The petitioner seeks action against the unauthorised construction carried out by the private respondent nos.3 to 67 whose shops are located at properties bearing nos. 1839-1853/1859, *Bissomal Colony, Bhagirath Palace, Chandni Chowk, Delhi* (hereinafter ‘subject properties’).
3. The address of the petitioner given in the memo of parties is 594-595, *Katra Asharfi, Chandni Chowk, Delhi -110006*.
4. Counsel for the respondent no.1/MCD submits that the petitioner’s address as given in the memo of parties is located at a substantial distance from the subject properties. He further points out that the construction on the subject properties is being carried out in terms of the order passed by this Court dated 3rd October, 2024, in W.P.(C) 13644/2023 and W.P.(C) 16396/2023.
5. Counsel for the petitioner has handed over a communication dated



11th August, 2025, in terms of which permission has been given to the private respondents for reconstruction/restoration of their properties in terms of the aforesaid order passed by this Court.

6. The said communication is taken on record.

7. On a pointed query put to counsel appearing on behalf of the petitioner, as to the *locus* of the petitioner to file and maintain the present petition, the only answer forthcoming was that the petitioner had earlier also filed a writ petition, being W.P.(C) 14364 of 2023 in respect of the same market which was entertained by this Court.

7.1. Pertinently, the said writ petition was dismissed as withdrawn *vide* order dated 1st August, 2024.

8. 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 judgement dated 6th November, 2025, passed by this Court in ***Tarun Kumar v. Government of NCT of Delhi***, **2025 SCC OnLine Del 10623**, wherein it was observed that a writ petition filed by a person who is not directly affected and fails to establish *locus standi*, is not maintainable. The relevant observations from the aforesaid judgement are set out below:

“18. This Court is of the opinion that if such pleas are entertained by this Court, it would open the gates for any person to file a writ petition with respect to any property situated in any part of the city, merely on the ground that construction in such property causes traffic jams and congestions in the area, thereby, affecting rights of such persons. Clearly, the intent of the law is not to confer such free hand to persons to invoke the jurisdiction of this Court on grounds as raised in the present petition, particularly, when the petitioner is neither living in the vicinity of the property in question, nor can be said to be affected directly by the existence of such property....”



9. In the present case, the petitioner neither resides in the vicinity of the property in question nor can be said to be directly affected. The petitioner has failed to show as to how any fundamental or legal right of the petitioner is being affected by any alleged unauthorised construction activity being carried out at the subject properties. The petitioner cannot be said to be affected by the unauthorised construction merely on the ground that he has filed a prior petition in respect of the same subject property.

10. It is also evident that though the petitioner alleges unauthorised construction being carried out by the private respondents, there is no proof in the form of photographs filed with the petition to demonstrate unauthorised construction. Therefore, there is nothing to show there is construction being carried out in violation of the communication dated 11th August, 2025.

11. In view of the above, this Court is not inclined to entertain the present petition under Article 226 of the Constitution of India to grant the relief sought by the petitioner.

12. Accordingly, the present writ petition is dismissed with costs of ₹25,000/- to be paid by the petitioner to the Delhi High Court Bar Clerks Association within two (2) weeks from today.

13. A copy of this order be communicated electronically to the the Delhi High Court Bar Clerks Association, for information.

14. List before the Registrar for compliance on behalf of the petitioner for payment of cost on 16th July, 2026.

15. Pending applications stand disposed of.

AMIT BANSAL, J

MAY 18, 2026/ds