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

+ **W.P.(C) 7479/2026 & CM APPL. 36295/2026**

MADHU SETH & ANR.

.....Petitioners

Through: Mr. Manu Sishodia and Ms. Hina Rajput, Advocates (*through VC*)

versus

MCD & ORS.

.....Respondents

Through: Mr. Kapil Dutta, Advocate for MCD.
Mr. Rajesh Kumar and Mr. Siddharth Shekhar, Advocates for UoI
Mr. Samman Vardhan Gautam, Ms. Khushi Sharma, Mr. Priyam Tiwari and Ms. Anshika Priyadarshini, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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29.05.2026

1. The present writ petition has been filed seeking a direction to the respondents to stop the unauthorised construction on the roof of the third floor of the property bearing no. *B-1/170, Janakpuri, New Delhi-110058* (hereinafter 'subject property').
2. It is stated that despite a *status quo* order passed by the Appellate Tribunal, MCD (ATMCD) on 2nd April, 2026, the private respondent no.3 is still carrying out unauthorised construction. Photographs have been placed on record showing the ongoing unauthorised construction.
3. Mr. Kapil Dutta, counsel appearing on behalf of the respondent



no.1/MCD, submits that MCD had filed an application before the Appellate Tribunal, MCD, for vacation of stay. The interim stay granted in favour of the private respondent no.3 has been vacated by an order passed by ATMCD on 25th May, 2026. Paragraph 8 of the said order is set out below:-

“8. In these facts, the interim protection dated 02.04.2026 is vacated. The appellant is directed to demolish the entire construction at the fourth floor within three days from today failing which the respondent is directed to demolish the entire construction at fourth floor at the cost of the appellant.”

4. Mr. Samman Vardhan Gautam, counsel appearing on behalf of the private respondent no.3, submits that no further construction shall be carried out by the respondent no.3, except in accordance with law.

4.1. The aforesaid statement is taken on record.

5. In view thereof, the present writ petition is disposed of while directing the respondent no.1/MCD to take appropriate action against the unauthorised construction in the subject property in accordance with law.

6. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to take appropriate remedies in accordance with law.

7. All rights, contentions and legal remedies of the owner/occupier/private respondent shall remain protected.

AMIT BANSAL, J

MAY 29, 2026

Vivek/-