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

+ **W.P.(C) 10430/2025**

NARENDER KUMAR & ANR.

.....Petitioners

Through: Mr. Nirbhaya Jha, Mr. Deepak Mittal,
Ms. Pratima Pathak & Ms.
Deepshikha Chauhan, Advocates.

versus

**MUNICIPAL CORPORATION DELHI
& ORS.**

.....Respondents

Through: Mr. Arjun Mahajan, Standing
Counsel with Ms. Monika Batra,
Mr. Apoorv Upmanyu, Mr. Ravikant
Kukmar & Mr. Mohit, Advocates for
R-1.
Mr. Sahil Munjal, Advocate for R-3.
(Through *video-conferencing*)
Mr. D.K. Pandey, Mr. Ritika Davis
Franklin & Mr. Kartik Dhingra,
Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

26.02.2026

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1. The present writ petition has been filed seeking directions to respondent no. 1 to demolish the unauthorised construction at property bearing house no. 602D/1A, Ward No. 3, Mehrauli, South Delhi-110030 and to restrain respondent no. 4 from carrying out unauthorised construction at the property in question.

2. Status reports have been filed on behalf of respondent no. 1/ MCD on 6th September, 2025 and 24th February, 2026.



3. Along with the status report of 24th February, 2026, MCD has placed on record a reasoned order dated 19th February, 2026 passed after hearing the parties.
4. The operative part of the said order is set out below:

4. The applicant contended that the booked unauthorized construction is old, with a view to claiming relief under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act. In the context of said Act, it is made clear that this Act (applicable for various categories of colonies in the Capital) provides relief upto 31.12.2026 to the constructions (termed as 'Unauthorised Development' in the said Act), which are in existence prior to 01.06.2014, and all punitive actions are to be kept in abeyance upto 31.12.2026 in respect of properties situated in such areas subject to maintaining status quo. To support the claim,
 - (i) The appellant submitted the property tax documents but the same do not indicate existence of booked construction prior to 01.06.2014.
 - (ii) The electricity bill dated 23.07.2025 shows the date of energization as 05.07.1989, issued with address as H.No.602, D-1-A -First Floor, Mehrauli. This document can be considered as proof of existence of first floor prior to 01.06.2014.
 - (iii) The photographs of the property, showing date of the years 2012, 2013 and 2014, all prior to 01.06.2014.

Based on these facts, it has been observed that the electricity bill for first floor showing the date of energization of electricity connection in the year 1989 as well as photographs for construction at second floor can be considered as valid proof of existence of booked unauthorized construction prior to 01.06.2014. The photographs submitted by the applicant have been tallied at site by the field staff and it has been reported that the same indicate the construction existing at second floor also. Moreover, the unauthorized construction was booked in its old occupied status, when no construction work was found going on. It has also been reported that the construction booked appears to be old constructed, viewing the condition of walls, ceiling and floors etc. Hence, the construction, as booked, appears to be eligible for relief under the aforesaid Act being in existence prior to the cut-off date of 01.06.2014.

I, Sanjeev Kumar, Assistant Engineer- Building Department - South Zone, Municipal Corporation of Delhi, vested with the powers of the Commissioner, M.C.D., under Section 343 read with Section 491 of the DMC Act, 1957 hereby order that the unauthorized construction booked by the Department is liable for demolition action under Section 343 of the DMC Act-1957. However, keeping in view the relief available under The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, demolition action against the said unauthorized construction is kept in abeyance upto 31.12.2026. This relief is subject to maintaining status quo at site and complying with the relevant provisions of the aforesaid Act / Ordinance. In case any such directions relevant to the said Act are issued by the Government of India / competent authority, the same shall be liable to be followed by the applicant.

5. From a reading of the aforesaid extract, it transpires that the property



of the respondent is entitled to protection under the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

6. In view thereof, the present petition is disposed of while directing respondent no. 1/ MCD as well as the private respondent no. 4 to ensure that no further construction is carried out in the subject property.

AMIT BANSAL, J

FEBRUARY 26, 2026

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