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

+ CONT.CAS(C) 1033/2023 and CM APPL.62317/2023

SH SAURABH GUPTA

.....Petitioner

Through: Mr. V.N. Sharma and Mr. J.K. Nayyar, Advs.

versus

SHRI GYANESH BHARTI & ORS.

.....Respondents

Through: Mr. G. S. Oberoi, SC and Mr. Ankur Sharma, Adv., MCD.

Mr. Mayank Rustagi and Mr. Harsh Khanna, Advs.

Mr. Sandeep Tyagi, SPC for R-5 (through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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21.05.2026

1. A status report has been handed over on behalf of the Municipal Corporation of Delhi (MCD) during the course of hearing. It is stated therein that the existing interim orders passed by the Appellate Tribunal of Municipal Corporation of Delhi (ATMCD) are only *qua* the demolition order dated 01.12.2022 passed by the Municipal Corporation of Delhi. It is pointed out that *vide* order dated 07.06.2023, the ATMCD has observed as under:

“.....

The interim order has only been passed against the property which is subject matter of the demolition order dated 01.12.2022. If thereafter the appellant has been raising any unauthorized construction which is not in accordance with law, the respondent is at liberty to take action in accordance with law. Application is dismissed.

.....”

2. It is further stated in the status report as under:



“5. The, Junior Engineer concerned had further carried out the inspection of the property under reference on 14/07/2023 and found that the owner (s)/ occupier(s) of the property raised construction further at Third Floor with covering the area reserved for road widening, therefore, the same was booked and after following due process of law, the department passed demolition and sealing order against the third floor of the premises.

6. That, pursuant to the order of demolition & sealing also passed against the third floor of the impugned property, the department taken sealing action on 06/02/2024 wherein to rooms at third floor as been sealed in presence of police force from concerned police station Laxmi Nagar, Delhi.

7. That, the department further execute sealing action on 28/07/2024 wherein all the 05 rooms constructed at third floor have completely sealed via 05 points.

8. That, it is further to submit that the department has taken action at the roof of the third floor & area under road winding of the impugned property on 12/03/2026, in form of demolishing one RCC panel and disconnection of electric meters installed at site. Further, the department has again taken demolition action at the roof of third floor on 11/05/2026.

9. That, the department further intended to execute demolition / sealing action on 14/05/2026 but due to non-availability of police force, the department unable to take action against the impugned premises.

*10. That, in furtherance the department has proposed special demolition / sealing action programs on 19.05.2026 & 20.05.2026 and the same shall be taken subject to availability of police assistance. Copy of special sealing / demolition program is annexed as **ANNEXURE R-1**.*

*11. It is most respectfully submitted that the Appeal bearing No.63/2023, 424/2023, 532/2023 and 106/2024 pertaining to the Subject property are now listed before the Ld. AT MCD on 28.07.2026 for arguments with interim orders to continue till the next date of hearing. Copy of the latest order dated 11.02.2026 is annexed hereto and marked as **ANNEXURE R-2**.”*

3. In the circumstances, let requisite action to demolish the unauthorized construction at the third floor of the concerned property be taken immediately.

4. Let the concerned Executive Engineer of the MCD personally supervise the same.



5. The concerned SHO is directed to render appropriate assistance for the said purpose.
6. Let the needful be done within a period of two weeks from today.
7. Let a compliance affidavit be filed within a period of three weeks thereafter.
8. The ATMCD is also directed to expedite the proceedings pending before it and make an endeavour to dispose of the same within a period of three months from today.
9. List for further consideration on 17.09.2026.
10. It is made clear that if the requisite action is not taken, this Court shall be constrained to take action against the concerned officials of the MCD including the concerned Executive Engineer, for committing wilful disobedience of the orders passed by this Court.

SACHIN DATTA, J

MAY 21, 2026/cl