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

% **Date of Decision: 29.08.2025**

+ W.P.(C) 6606/2025 & CM APPL. 34621/2025, CM APPL. 38643/2025

SMT SAVITA JAIN & ORS.

.....Petitioners

Through: Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg, Advocates (M:9313413721)

versus

THE MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Ms. Anshula L. Bakhru, Advocate for R-1/MCD
Mr. Vinay Rathi, Advocate for R-2 to 4 (M:9958799915)

+ W.P.(C) 8458/2025 & CM APPL. 36786/2025, CM APPL. 36787/2025, CM APPL. 51305/2025

SH GAURAV JAIN & ANR.

.....Petitioners

Through: Mr. Vinay, Advocate (M:9958799915)

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Mr. Gaganmeet Singh Sachdeva, Mr. Harshpreet Singh Chadha, Mr. Hridyesh Khanna, Advocates for DDA (M:9582055425)
Mr. Vikas Chopra, SC-MCD with Mr. Neeraj Kumar, Advocate (M:9212036118)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J: (ORAL)

1. The present writ petition, i.e., W.P.(C) 6606/2025, has been filed with a prayer for directions to demolish the illegal construction being raised in



the property bearing No. 85/6, B-2, East Moti Bagh, Sarai Rohilla, Delhi-110007.

2. There is a further prayer to cancel the letters of sanction and to take appropriate action upon the Complaint of the petitioners dated 31st March, 2025.

3. It is the case of the petitioners in *W.P.(C) 6606/2025* that they are owners of the property in question and respondent no. 2 was living there as a tenant. However, respondent no. 2 has unlawfully executed a gift deed in favor of his sons, i.e., respondent nos. 3 and 4. Thus, on the basis of such documents, a Building Plan has also been sanctioned under the Saral Scheme of the Municipal Corporation of Delhi (“MCD”).

4. *Per contra*, *W.P.(C) 8458/2025* has been filed by the petitioners, who are respondent nos. 3 and 4 in *W.P.(C) 6606/2025*.

5. It is the case of the petitioners in *W.P.(C) 8458/2025* that they are owners of the property in question and that the said property belongs to the two brothers.

6. Learned counsel for the petitioners in *W.P.(C) 8458/2025* submits that they are in possession of the property in question.

7. He further submits that the Sanctioned Building Plan in favour of the petitioners in *W.P.(C) 8458/2025* has been revoked, on the ground that the subject property had been sub-divided, along with certain other objections *inter alia*.

8. It is submitted that the petitioners in *W.P.(C) 8458/2025* have now filed a joint application for regularization of the construction in the property in question.

9. In response, learned counsel for the petitioners in *W.P.(C) 6606/2025* submits that the regularization application of the petitioners in *W.P.(C)*



8458/2025, cannot be entertained, for the reason that the said petitioners are not the owners of the property. The ownership of the subject property is claimed by petitioners in *W.P.(C) 6606/2025*.

10. Having heard learned counsels for the parties, this Court notes that civil suit with regard to the title and ownership of the property in question is already pending before the District Judge-03, Central, Tis Hazari Courts, bearing *CS DJ No. 154/2025*.

11. Accordingly, as regards the diverse claims being raised by the petitioners in *W.P.(C) 6606/2025* and *W.P.(C) 8458/2025*, with respect to their claim of title and ownership of the property in question, this Court shall not delve into said disputed questions of fact.

12. The question of ownership and title of the property in question is a subject matter of the aforesaid suit and the said issue shall be adjudicated therein.

13. This Court notes the submission made by learned counsel for the petitioners in *W.P.(C) 8458/2025* that petitioners in *W.P.(C) 8458/2025* are currently in possession of the property in question, on the basis of which, they had applied for sanction of Building Plan, which was duly granted in their favour.

14. Further, this Court also notes that though the Sanction Building Plan has been revoked by the MCD now, the petitioners in *W.P.(C) 8458/2025* have filed a joint application for regularization of the property in question.

15. This Court further takes note of the submission made by learned counsel for the petitioners in *W.P.(C) 8458/2025* that the petitioners are ready to remove the excess coverage and demolish the non-compoundable portions of the property by themselves.

16. Accordingly, liberty is granted to the petitioners in *W.P.(C)*



8458/2025 to bring their property within the norms of the Building Bye Laws. Further, the petitioners in *W.P.(C) 8458/2025* shall remove the non-compoundable deviations and excess coverage by themselves.

17. Let the needful be done by the said petitioners in *W.P.(C) 8458/2025*, within a period of four weeks from today.

18. After four weeks, the petitioners in *W.P.(C) 8458/2025* shall duly intimate the MCD, as regards the demolition action undertaken by the petitioners on their own.

19. The MCD shall inspect the property in question after four weeks, in order to assess whether the excess coverage and non-compoundable deviations have been removed by the petitioners in *W.P.(C) 8458/2025*.

20. In case, the MCD finds that there exists further unauthorized construction existing in the property in question, the MCD shall point out the same to the petitioners in *W.P.(C) 8458/2025*, who shall remove the said unauthorized construction.

21. In case, appropriate action is not taken by the petitioners in *W.P.(C) 8458/2025*, the MCD shall be at liberty to remove the said unauthorized construction from the property in question.

22. The present order has been passed only on the premise that construction has already been done by the petitioners in *W.P.(C) 8458/2025*, on the basis of the Sanction Building Plan, which has been subsequently revoked.

23. As regards the dispute of ownership between the petitioners in *W.P.(C) 6606/2025* and petitioners in *W.P.(C) 8458/2025*, the same shall be decided by the District Judge, before whom the civil suit is pending.

24. It is clarified that no special equity shall be claimed by the petitioners in *W.P.(C) 8458/2025*, on the basis of the present order passed by this Court.



25. It is further clarified that this Court has not expressed any opinion on the merits of the case of the petitioners in *W.P.(C) 6606/2025* and *W.P.(C) 8458/2025*.

26. This Court has also not gone into the issue of ownership of the property in question, which issue is subject matter of the civil suit between the parties.

27. Considering the fact that the title dispute between the petitioners in *W.P.(C) 6606/2025* and *W.P.(C) 8458/2025* is pending before the Civil Judge, the MCD, for the time being, shall not go into the issue of ownership for the purposes of regularization of the construction in property in question.

28. It is clarified that regularization of the property in question, shall be subject to the final judgment in the civil suit with respect to the ownership of the property in question.

29. It is directed that since it is the case of the petitioners in *W.P.(C) 8458/2025* that they are in possession of the property in question, no third party rights shall be created by the petitioners in *W.P.(C) 8458/2025*.

30. After the property is regularized by the MCD, *de hors* the issue of ownership, *status quo* shall be maintained by the petitioners in *W.P.(C) 8458/2025* and they shall neither undertake any further construction nor create any third party rights in the property in question.

31. With the aforesaid directions, the present writ petitions, i.e., *W.P.(C) 6606/2025* and *W.P.(C) 8458/2025*, along with pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 29, 2025/au