

ITEM NO.27

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)Diary No(s).35312/2024

[Arising out of impugned final judgment and order dated 27-05-2024 in WP(C) No.12744/2022 and WP(C) No.14523/2022 passed by the High Court of Delhi at New Delhi]

DR. S. JAITLEY & ANR.**Petitioner(s)****VERSUS****MUNICIPAL CORPORATION OF DELHI & ORS.****Respondent(s)****as per RP dated 04.09.2025**

IA No. 124246/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123519/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 215722/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 191661/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 162204/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 216938/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 136938/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 216229/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 196716/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 168440/2025 - INITIATING CONTEMPT PROCEEDINGS
IA No. 136712/2025 - INTERLOCUTARY APPLICATION
IA No. 123514/2025 - INTERVENTION APPLICATION
IA No. 216937/2025 - INTERVENTION APPLICATION
IA No. 216228/2025 - INTERVENTION/IMPLEADMENT
IA No. 123516/2025 - INTERVENTION/IMPLEADMENT
IA No. 167661/2025 - INTERVENTION/IMPLEADMENT
IA No. 196719/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 196715/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 79728/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 40819/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 196718/2024 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 22-09-2025 This matter was called on for hearing today.

CORAM :**HON'BLE MR. JUSTICE SURYA KANT****HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH****For Petitioner(s) Petitioner-in-person**

For Respondent(s) Mr. Satya Darshi Sanjay, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Mr. P.V. Yogeswaran, Adv.
 Mr. Amit Sharma-II, Adv.
 Ms. Astha Singh, Adv.
 Mr. Mohan Prasad Gupta, Adv.
 Ms. Prerna Dhal, Adv.

Mr. Sanjeev Sagar, Sr. Adv.
 Mr. Praveen Swarup, AOR
 Ms. Pareena Swarup, Adv.
 Mr. Ravi Kumar, Adv.
 Mr. Saurabh Rohilla, Adv.
 Mr. Devesh Maurya, Adv.

Ms. Madhavi Divan, Sr. Adv.
 Mr. Sameer Choudhary, Adv.
 Mr. Pranav Gupta, AOR

Ms. Meenakshi Lekhi, Sr. Adv.
 Mr. Jitender, Adv.
 Ms. Avanish Pandey, Adv.
 Mr. Sriram P., AOR

Mr. Sudhir Mendiratta, AOR

Mr. Ramchandra Madan, AOR
 Mr. Pratap Singh Ahluwalia, Adv.
 Mr. Tushar Nigam, Adv.
 Mr. Himanshu Shembekar, Adv.

Mr. Bhushan Mahendra Oza, AOR
 Mr. Amber Dwivedi, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

I.A.Nos.215722/2025 and 191661/2025

The instant applications, being completely unconnected to the present special leave petition, are dismissed as not maintainable.

I.A. No.167661/2025

1. The instant application has been filed on behalf of Naval Kishore Gupta, S/o Shri D.B. Gupta, R/o 59, Chandni Chowk, Delhi - 06 to implead him as a party-respondent.

2. The application is allowed as prayed for and the applicant is permitted to intervene and assist the Court in the matter of illegal construction in the Chandni Chowk area. He is permitted to place on record the material in support of his contentions, if any, within four weeks.

I.A. No.136938/2025

1. This application has been moved by the Petitioners, seeking, *inter alia*, directions to the Municipal Corporation of Delhi ("MCD") to seal certain premises in Mandir Wali Gali, Katra Neel due to violation of applicable laws as well as ongoing/attempted illegal construction.

2. The MCD has filed a reply to the said IA, *inter alia*, pointing out that various properties where unauthorised constructions have been made or which were being misused for other than residential purposes were ordered to be sealed by the MCD in the year 2022. However, those orders were stayed by the Appellate Tribunal, MCD in various appeals filed by the shopkeepers. Those appeals are stated to be still pending.

3. The post of the Presiding Officer of the Appellate Tribunal is lying vacant as no appointment has been made after the expiry of the previous Presiding Officer. We are informed that such appointment was to be made by the Delhi High Court. If that is so, we request the Chief Justice of the Delhi High Court to look into the matter immediately and appoint the Presiding Officer of the Appellate Tribunal MCD.

4. Keeping in view the facts and circumstances of the case, all the stay orders granted by the Appellate Tribunal MCD or by the High Court, in purported exercise of powers under Article 227 of the Constitution, due to which MCD is unable to seal the offending properties in the entire Chandni Chowk Area, will be deemed to have been vacated w.e.f. 31.12.2025. It is clarified that this direction does not affect those orders of the High Court, the Civil Courts, or the Appellate Tribunal MCD, where private parties have been

restrained from continuing illegal construction, etc.

5. The Authorities of the MCD are directed to act upon the orders passed by them earlier, namely, the sealing orders with respect to the properties which were being misused or were illegally constructed. However, if any resident of the Chandni Chowk area has any grievance against vacation of stay by virtue of this order, liberty is granted to him to approach this Court before 31.12.2025.

6. The Commissioner of Police, Delhi is directed to provide logistical support, including through deployment of police force for removal of unauthorised constructions and prevention of the continuation of the unauthorised constructions or change of conversion of the buildings. The Authorities of the MCD will inform the local Police Authorities well-in-advance so that necessary arrangements can be made.

I.A. Nos.216228/2025, 216229/2025, 216937/2025, 216938/2025, 227526/2025 and 227565/2025

1. These applications have been filed by the applicants, namely, Vijay Kumar Dhingra, Gulshan Kumar Manchanda, and Rajesh Kumar Yadav respectively. The applicants are shopkeepers in Katra Neel, Chandni Chowk.

2. Issue notice in above-mentioned applications, returnable on 27.10.2025.

3. We direct the MCD to file a Status Report with respect to the properties of these applicants. It shall be specifically clarified in the Status Report as to whether these properties are commercial in nature from the very inception when these were constructed or the user of the properties has been subsequently changed/permitted to be changed from residential to non-residential.

4. The needful shall be done within two weeks.

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5. Post the matter for hearing on 27.10.2025. The Municipal Corporation Authorities will inform the local Police Authorities well-in-advance so that necessary arrangements can be made.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR