

ITEM NO.301

COURT NO.11

SECTION XII

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

MISCELLANEOUS APPLICATION Diary No.17103/2026

[Arising out of the Judgment and Order dated 18-02-2026 in SLP (Civil) No.8044/2025 passed by this Court]

LOGANATHAN

Petitioner

VERSUS

THE STATE OF TAMIL NADU

Respondent

[IA No.156839/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No.152525/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No.157121/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No.182915/2026 - CONDONATION OF DELAY IN DEPOSITING COST
IA No.156840/2026 - EXEMPTION FROM FILING O.T.
IA No.156984/2026 - EXEMPTION FROM FILING O.T.
IA No.152528/2026 - INTERVENTION/IMPLEADMENT
IA No.157127/2026 - INTERVENTION/IMPLEADMENT
IA No.156982/2026 - INTERVENTION/IMPLEADMENT]

DATE : 09-07-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

[SPECIAL BENCH | PARTIAL COURT WORKING DAYS]

For Petitioner : Ms. Purnima Krishna, AoR
Mr. N. Rajaraman, AoR

For Respondent(s) : Mr. Ajit Kumar Sinha (*Amicus Curiae*), Sr. Adv.
Mr. Govind Jee, AoR
Mr. Naveen Soni, Adv.
Mr. Shaswat Sinha, Adv.
Mr. Akshat Agarwal, Adv.

Ms. Aishwarya Bhati, ASG
Ms. Shivika Mehra, Adv.
Ms. Shreya Jain, Adv.
Mr. Arun Kumar Singh, Adv.
Ms. Madhulika Upadhyay, AoR

Mr. Kartikeya Rastogi, Adv.
Mr. Inderdeep Kaur Raina, Adv.

Mr. Anurag Sahai, AoR

Ms. G. Indira, AoR

Ms. Purnima Krishna, AoR

Mr. K. V. Mohan, AoR

Mr. Guntur Pramod Kumar, AoR

Miss Akansha, AoR

Mr. Manish Kumar, AoR

Ms. Sugandha Jain, Standing Counsel, Adv.

Mr. Prabodh Kumar, AoR

Ms. Nidhi Mittal, AoR

Mr. Mohit Paul, AoR

Ms. Rangoli Seth, Adv.

Mr. Rohit, Adv.

Mr. Prashanto Chandra Sen, Sr. Adv.

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Mr. Aaditya Aniruddha Pande, AoR

Mr. Siddharth Dharmadhikari, Adv.

Mr. Shrirang B. Varma, Adv.

Mr. Sourav Singh, Adv.

Ms. Chitransha Singh Sikarwar, Adv.

Mr. Anurag Pratyush Sahay, AoR

Ms. Pallavi Langar, AoR

M/S. Nuli & Nuli, AoR

Mr. H. K. Chaturvedi, AoR

Mrs. Anjali Chaturvedi, Adv.

Mr. Sagar Chaturvedi, Adv.

Mr. Lenin Singh Hijam, Adv. Gen, Sr. Adv.

Mr. Pukhrambam Ramesh Kumar, AoR

Mr. Karun Sharma, Adv.

Ms. Anupama Ngangom, Adv.

Ms. Rajkumari Divyasana, Adv.

Ms. K. Enatoli Sema, AoR

Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Ms. Yanmi Phazang, Adv.

Mr. Hitendra Nath Rath, AoR

Mr. Niranjana Moharana, Adv.

Mr. Amitabh Panda, Adv.

Ms. Laxmi, Adv.

Mr. Sameer Abhyankar, AoR
 Ms. Yachna Sharma, Adv.
 Ms. Aarushi Chopra, Adv.

Ms. Devina Sehgal, AoR
 Mr. Srikanth Varma Mudunuru, Adv.
 Mr. Yatharth Kansal, Adv.

Mr. Kunal Chatterji, AoR
 Ms. Maitrayee Banerjee, Adv.
 Mr. Varij Nayan Mishra, Adv.

Mr. Praveen Swarup, AoR
 Mr. S.D. Sanjay, A.S.G.
 Mr. Sanjiv Sen, Sr. Adv.
 Mr. Praveen Swarup, Adv.
 Mr. Prahalad Balaji, Adv.
 Mr. Rohit Swarup, Adv.
 Ms. Jarna Singh, Adv.
 Mr. Praharsh Chaudhary, Adv.
 Mr. Ved Prakash, Adv.

Mr. Akshay Verma, AoR
 Mr. Udit, Adv.
 Ms. Sushma Verma, Adv.
 Mr. Rajneesh Kumar, Adv.

Mr. Shreekant Neelappa Terdal, AoR

Mr. Aravindh S., AoR
 Mr. Akshay Gupta, Adv.

Mr. Manohar Pratap, AoR
 Mr. Daksh Kadian, Adv.

Mr. Karan Sharma, AoR

O R D E R

Heard learned counsel for the parties. The case at hand was mentioned by Mr. Ajit Kumar Sinha, learned Senior Counsel, who was nominated as *Amicus Curiae* by this Court vide Order dated 25.03.2026 in view of, *inter alia*, Paras 6 and 7 thereof.¹ We are

¹ '6. From the facts emerging in the present proceedings, and from similar matters coming before this Court, it is evident that there are apparent widespread and blatant violations of building bye-laws and land-use regulations. Constructions are frequently undertaken in blatant violation of the applicable norms and regulations, including in the prohibited areas. More importantly, upon completion, such lands and buildings are often put to uses other than those for which sanction was originally granted by the competent authority.

concerned herein with the palpably blatant violations by the concerned authority(ies) in the enforcement of the relevant municipal laws, more so in relation to the safety of buildings and the illegal change of usage of the property/land.

2. By Order dated 20.05.2026, we had issued certain directions. In Para 3 of that Order², by way of illustration, in the national capital, the learned *Amicus Curiae* had pointed to areas like Sarojini Nagar and Lajpat Nagar, wherein violations had been noticed. It was recorded that such '*structures are inherently unsafe as the foundations are not designed to bear the additional load*', since structures beyond the sanctioned limit had been constructed. It was also observed that '*Considering the high footfall in the areas, a calamity is only waiting to happen.*'

3. Events thereafter, unfortunately, indicate that the apprehension of the Court was not misplaced as widespread mishaps leading to tragedy and loss of human life have been reported across the country, especially in the National Capital Region and Lucknow, which are well-documented. Various news reports with regard to the said events have been placed on record. The clippings of the said

7. We have also been coming across cases where residential colonies are being converted into commercial areas by the unauthorised use of residential buildings and lands for commercial purposes. Such practices are not only contrary to law and public interest, but also cause significant inconvenience and prejudice to bona fide residents, who have invested substantial resources in purchasing property and constructing their houses. The environmental and civic consequences of such misuse by unscrupulous elements of society are equally serious and have far-reaching implications.'

² '3. Learned Amicus further submitted that from the issue which has now surfaced on the basis of the limited material placed before this Court through the affidavits filed by various municipalities and corporations, the problem appears to be enormous and the scale of violations staggering. By way of illustration, he submitted that even in the national capital, i.e., Delhi, in areas like Lajpat Nagar and Sarojini Nagar, violations are of such magnitude that there exists a serious threat of a major mishap or calamity. According to him, buildings have been constructed far beyond the sanctioned plans, with deviations exceeding the condonable limits and in blatant violation of the building bye-laws. There are innumerable structures where permission was granted only for construction up to two storeys, whereas the actual construction is far in excess thereof. Such structures are inherently unsafe as the foundations are not designed to bear the additional load. Considering the high footfall in these areas, he submitted that a calamity is only waiting to happen.'

news reports will be transmitted to the learned *Amicus Curiae* to make a note thereof.

4. We are particularly bothered with the conduct of the Municipal Corporation of Delhi (hereinafter referred to as the 'MCD'). In the Judgment and Order dated 17.12.2024 passed by a Co-ordinate Bench of this Court in Civil Appeals No.14604 of 2024 along with 14605 of 2024 (authored by one of us, R. Mahadevan, J.) [Rajendra Kumar Barjatya and Another v. U.P. Avas Evam Vikas Parishad & Ors. 2024 INSC 990], specific directions were given apropos what is required to be done by the authorities. For ready reference, the same is quoted below:

'20. In the ultimate analysis, we are of the opinion that construction(s) put up in violation of or deviation from the building plan approved by the local authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be made scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of illegalities, administrative failure, regulatory inefficiency, cost of construction and investment, negligence and laxity on the part of the authorities concerned in performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization schemes must be brought out only in exceptional

circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegalities resulting in derailment of all planned projects and pollution, disorderly traffic, security risks, etc.

21. Therefore, in the larger public interest, we are inclined to issue the following directions, in addition to the directives issued by this Court in Re: Directions in the matter of demolition of structures (supra):

(i) While issuing the building planning permission, an undertaking be obtained from the builder/applicant, as the case may be, to the effect that possession of the building will be entrusted and/or handed over to the owners/beneficiaries only after obtaining completion/occupation certificate from the authorities concerned.

(ii) The builder/developer/owner shall cause to be displayed at the construction site, a copy of the approved plan during the entire period of construction and the authorities concerned shall inspect the premises periodically and maintain a record of such inspection in their official records.

(iii) Upon conducting personal inspection and being satisfied that the building is constructed in accordance with the building planning permission given

and there is no deviation in such construction in any manner, the completion/occupation certificate in respect of residential / commercial building, be issued by the authority concerned to the parties concerned, without causing undue delay. If any deviation is noticed, action must be taken in accordance with the Act and the process of issuance of completion/occupation certificate should be deferred, unless and until the deviations pointed out are completely rectified.

(iv) All the necessary service connections, such as, Electricity, water supply, sewerage connection, etc., shall be given by the service provider / Board to the buildings only after the production of the completion/occupation certificate.

(v) Even after issuance of completion certificate, deviation / violation if any contrary to the planning permission brought to the notice of the authority immediate steps be taken by the said authority concerned, in accordance with law, against the builder / owner / occupant; and the official, who is responsible for issuance of wrongful completion /occupation certificate shall be proceeded departmentally forthwith.

(vi) No permission /licence to conduct any business/trade must be given by any authorities including local bodies of States/Union Territories in any unauthorized building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan and usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place and in consideration of the larger public interest and the impact on the environment.

(viii) Whenever any request is made by the respective authority under the planning department/local body for co-operation from another department to take action against any unauthorized construction, the latter shall render immediate assistance and co-operation and any delay or dereliction would be viewed seriously. The States/UT must also take disciplinary action against the erring officials once it is brought to their knowledge.

(ix) In the event of any application / appeal / revision being filed by the owner or builder against the non-issuance of completion certificate or for regularisation of unauthorised construction or rectification of deviation etc., the same shall be disposed of by the authority concerned, including the pending appeals / revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

(x) If the authorities strictly adhere to the earlier directions issued by this court and those being passed today, they would have deterrent effect and the quantum of litigation before the Tribunal / Courts relating to house / building constructions would come down drastically. Hence, necessary instructions should be issued by all the State/UT Governments in the form of Circular to all concerned with a warning that all directions must be scrupulously followed and failure to do so will be viewed seriously, with departmental action being initiated against the erring officials as per law.

(xi) Banks / financial institutions shall sanction loan against any building as a security only after verifying the completion/occupation certificate issued to a building on production of the same by the parties concerned.

(xii) The violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution under the respective laws.'

5. The learned *Amicus Curiae* has, at this juncture, pointed out that the respondent-Authorities concerned should take steps to demolish unauthorized constructions in accordance with law. The said stage (of demolition) will arrive after the due procedure and process of law is followed by, illustratively, issuing Show-Cause Notice, granting a hearing and then passing an order. It appears that Show-Cause Notices were issued to alleged violators, but no follow-up action worth its name was taken to bring the same to a

logical conclusion, one way or the other. Even in cases where violations stand established and despite the aggrieved party having moved the High Court concerned, with the High Court directing the violating party not to proceed with construction, construction has been carried out rampantly without due intervention by the authorities, especially the MCD.

6. In such background, with no effective action having been taken despite clear Orders of this Court, in the aforesaid Judgment in Civil Appeals No.14604 and 14605 of 2024 and/or in tune with Para 6 of our Order dated 20.05.2026, we were of the tentative opinion that strict action was called for and the concerned MCD officials should be summoned to Court.

7. At this juncture, Mr. S.D. Sanjay, learned Additional Solicitor General³, representing MCD submits that in view of the earlier Order, whereby the next date fixed was 04.08.2026, the authorities have taken steps as required and/or directed, which would be brought on record in detail before the next date. However, he submits that in view of the developments which have taken place on the ground subsequently, as referred *supra*, special, additional, more proactive and immediate steps shall be effected, not only to demonstrate the *bonafides* of the MCD and its officers but also to ensure that the rule of law is enforced strictly and across the board, especially, in matters of the like herein, which are purely in the interest of the public-at-large.

8. Although, we are not fully convinced of the *bonafides* of the MCD, as on date, we, for the present, accede to the request of Mr.

³ Abbreviated to 'ASG'.

Sanjay, learned ASG, and defer a final view.

9. News clippings in the daily English newspaper, Metro, and the daily edition of the Hindustan Times dated 07.07.2026 reflect that 93% of the establishments in Gurugram, Haryana are failing/defaulting on fire safety norms and regulations. In the circumstances, we are constrained to direct the personal presence on the next date of (i) the Commissioner, Gurugram Municipal Corporation, and (ii) the Chief Executive Officer, Gurugram Metropolitan Development Authority along with their Report(s) addressing as to what effective and actual steps have been taken on the ground for situations covered by the Judgment in Civil Appeals No.14604 and 14605 of 2024 and the Orders passed herein by this Court, specifically on 20.05.2026. The Municipal Commissioner, Lucknow Municipal Corporation, likewise, is directed to be physically present on the next date with his detailed Report spelling out action which has been actually taken on the ground.

10. As an immediate measure, as nothing substantive seems to have happened so far, we direct that a Committee be constituted comprising two senior Professors from the Indian Institute of Technology, Delhi on the civil side, along with two draftsmen from the same Institute, who shall be accompanied by the officials of the MCD and a representative of the learned *Amicus Curiae* to conduct an actual ground survey of Lajpat Nagar and Sarojini Nagar in Delhi.

11. At this juncture, learned counsel for the New Delhi Municipal Council, submits that Sarojini Nagar falls under its jurisdiction, and it has already constituted a team for actual ground

verification and allied steps. Learned counsel submits that a Report will be filed before the next date, in consultation with the learned *Amicus Curiae*. In such view, the direction in the preceding paragraph is modified to cover Lajpat Nagar, Malviya Nagar and Saket in Delhi and Aliganj in Lucknow, with the Committee for Lucknow including officials of the Lucknow Municipal Corporation, in place of MCD.

12. We make it clear that the Committee shall conduct an honest survey and report its findings to this Court, at least a week before the next date of hearing.

13. Learned counsel representing the Union of India shall coordinate this exercise amongst the officials and date(s) for the survey in Delhi and Lucknow, referred *supra*, shall be fixed at the convenience of the learned *Amicus Curiae* or his representative. Learned counsel for the Union of India shall also obtain nomination of two senior Professors from the Director, Indian Institute of Technology, Delhi.

14. In the interregnum, we need only indicate that if with regard to other Municipalities and/or Development Authorities also there is no affidavit showing what effective actual action has been taken on the ground, this Court may straightaway initiate *suo motu* action, including invocation of its extraordinary and inherent contempt jurisdiction, against Commissioners, Chief Executive Officers or the top-most Executive Authority by whatever designation in charge of such bodies.

15. The learned *Amicus Curiae* has rightly drawn our attention to the fact that the authorities seem to be only undertaking a face-

saving exercise, inasmuch as only builders/owners of the defaulting constructions have been proceeded against, but not even a single official of any authority has been hauled up or responsibility fastened upon them. On the next date, we would expect that the Reports to be submitted personally affirmed by the concerned Commissioner/Chief Executive Officer shall give specific details of action taken against errant officials under whose watch the violations/default occurred and/or went unchecked.

16. The concern expressed in Para 13 of the Order dated 20.05.2026 is reiterated.

17. It has also been pointed out that in many areas, especially in certain localities of Gurugram, orders for demolition of unauthorised/defaulting structures have attained finality, yet remain unimplemented.

18. If even on the next date, such situation remains unaltered, personal responsibility shall be fastened on the Commissioner/Chief Executive Officer concerned.

19. When we turned our attention to the State of Tamil Nadu, in view of what stands recorded at Para 12 of the Order dated 20.05.2026, learned senior counsel submitted that while he has just taken over the duties of representing the State, after the formation of the new Government, he is conscious of the requirement and duty to act in terms of the Orders of this Court. He submits that the Order(s) will be complied with.

20. We direct that details of all action taken by the Tamil Nadu authorities, especially the officer named in Para 12 of the Order dated 20.05.2026 shall be brought on record, and she shall also

remain physically present in Court on the next date.

21. In order to ensure that the picture before the Court is correct, with regard to MCD, Patna Municipal Corporation and Greater Chennai Corporation, we direct all officers who were/are Commissioner/Municipal Commissioner in the said 3 bodies from 01.01.2025 till date to file personal affidavit(s) by/before the next date of hearing laying out the steps taken by them during their respective tenures. Registry to obtain details from the concerned governments and serve the said officers accordingly.

22. Amounts ordered to be deposited by the concerned authorities in terms of our earlier Order shall be deposited without fail before the next date of hearing, if not already done, as and by way of last opportunity. No further extension of time shall be granted. Amounts deposited beyond the stipulated period, till the next date of listing, be accepted by the Registry.

23. Status Report filed by learned *Amicus Curiae* is taken on record. The same be placed at the appropriate place in the file(s) digitally as also physically.

24. List on 04.08.2026/Tuesday at 2 P.M. for further consideration.

25. We would earnestly hope and expect that the authorities will rise to the occasion to ensure no life is lost or property harmed hereafter, on account of failure to enforce existing urban/municipal norms and regulations.

26. Needless to state, and by way of abundant clarification, where persons concerned have obtained specific stay orders/interim relief against demolition orders, by the appropriate forum/Court, the said

structures obviously shall not be disturbed in view of the Orders passed herein.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR