



2025:DHC:7627



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

% **Date of Decision: 01<sup>st</sup> September, 2025**

+ W.P.(C) 13388/2025, CM APPL. 54863/2025 & CM APPL. 54864/2025

AMRAWATI BHARADWAJ & ORS. ....Petitioners

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versus

MUNICIPAL CORPORATION OF DELHI & ORS. ....Respondents

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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions to restrain the respondent-Municipal Corporation of Delhi ("MCD") from taking any



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coercive action, including, demolition or sealing, against the petitioners' residential property bearing *No. 513B, Chirag Delhi, New Delhi*.

2. Learned counsel appearing for the petitioners submits that the petitioners have already filed an appeal before the Appellate Tribunal MCD ("ATMCD"), bearing *Appeal No. 7641/2023*.

3. It is submitted that the petitioners have now received a Vacation Notice dated 01<sup>st</sup> July, 2025, directing the petitioners to vacate the premises. Although, the petitioners have filed an application for stay before the ATMCD, however, the said stay application on behalf of the petitioners could not be taken up, since currently there is no Presiding Officer in the ATMCD.

4. Learned counsel appearing for the petitioners further submits that the petitioners are also in the process of filing an application for regularization with the MCD.

5. Issue notice. Notice is accepted by learned counsels appearing for the respondents.

6. Learned counsel appearing for respondent-MCD submits that the appeal of the petitioners has been pending before the ATMCD, since 2023 and that no stay has been granted therein.

7. Learned counsel for the MCD further submits that part demolition action against the property of the petitioners has already been taken.

8. In response, learned counsel appearing for the petitioners submits that a fresh stay application had been filed before the ATMCD, which has not been heard, on account of the fact that there is no Presiding Officer in the ATMCD currently.

9. Having heard learned counsels appearing for the parties, this Court



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notes the submission made by learned counsel appearing for the petitioners that on account of no Presiding Officer being currently in charge in the ATMCD, the application of the petitioners for stay, has not been considered, for the time being.

10. This Court further takes note of the submission of learned counsel for the petitioners that the petitioners are in the process of filing an application for regularization with the MCD.

11. Accordingly, liberty is granted to the petitioners to file an application for regularization, within a period of ten days, from today.

12. Upon the petitioners filing an application for regularization with the respondent-MCD, the same shall be considered by the MCD, in accordance with law.

13. At the time of considering the application for regularization of the petitioners, Principles of Natural Justice shall be followed by the MCD and requisite opportunity of hearing and submission of any documents, as required, shall also be given to the petitioners.

14. It is directed that, in case, application for regularization is filed by the petitioners within a period of ten days from today, during the pendency of the regularization application of the petitioners, no coercive action shall be taken against the property of the petitioners.

15. The petitioners shall comply with all the directions of the MCD qua their application for regularization, including, removal of any excess coverage and demolition of non-compoundable deviations.

16. If the MCD is satisfied with the action taken by the petitioners, requisite order for regularization shall be passed by the MCD, in accordance with law.



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17. In case the directions of the MCD regarding removal of any excess coverage, or demolition of non-compoundable deviations, are not carried out by the petitioners, the MCD shall be at liberty to carry out appropriate action.

18. In case the petitioners are aggrieved by any order passed by the MCD *qua* their regularization application, they shall have the liberty to seek their remedies in accordance with law.

19. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 1, 2025/SK**