



2025:DHC:7760



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 04<sup>th</sup> September, 2025**+ **W.P.(C) 13601/2025 & CM APPL. 55788/2025, CM APPL. 55789/2025****JAYA TANWAR**

.....Petitioner

Through: **Mr. Sunil Tiwari, Advocate and Mr. C.M. Shukla, Advocate**  
Mob: 9899330023

versus

**MUNICIPAL CORPORATION OF DELHI  
AND ANOTHER**

.....Respondents

Through: **Mr. Dhruv Varma, Advocate for R-1 and 2**  
Mob: 8810310103  
Email: [dhruvvarmalaw@gmail.com](mailto:dhruvvarmalaw@gmail.com)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions to the respondents to not take demolition action against the property of the petitioner bearing No. WZ-1255-A, Nangal Raya, New Delhi-110046, till the the appeal bearing No. 579/25, which is pending before the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD"), Tis Hazari Courts, Delhi, is taken up for hearing.
2. There is a further prayer for extending the period of temporary de-sealing of the property in question, as done by the respondents for a further period, till the application for interim relief is taken up hearing, and decided by the ATMCD.



3. Issue notice. Notice is accepted by learned counsel appearing for the respondents.
4. Learned counsel appearing for the respondents submits that a Show Cause Notice under Section 345A of the DMC Act, was issued on 01<sup>st</sup> May, 2025, pursuant to which, a Sealing Order dated 23<sup>rd</sup> May, 2025, was issued.
5. He submits that pursuant thereto, the property in question was sealed on 18<sup>th</sup> June, 2025.
6. Learned counsel appearing for the MCD submits that thereafter, the property in question was de-sealed upon the request of the petitioner for a period of three days on 29<sup>th</sup> July, 2025, and then for a period of fifteen days on 19<sup>th</sup> August, 2025, which period is expiring today, i.e., 04<sup>th</sup> September, 2025.
7. Learned counsel appearing for the MCD has handed over documents in this regard, which are taken on record.
8. Having heard learned counsels appearing for the parties, this Court notes that an appeal has already been filed by the petitioner before the ATMCD, which has not been heard on account of the fact that there is no Presiding Officer currently in the ATMCD.
9. This Court further takes note of the submission made by learned counsel appearing for MCD that the property of the petitioner has been temporary de-sealed, which period is expiring today, i.e., 04<sup>th</sup> September, 2025.
10. Considering the submissions made before this Court, this Court is of the view that the appeal of the petitioner is required to be heard by the ATMCD. Accordingly, it is directed that the temporary de-sealing of the property of the petitioner shall be further extended, till the appeal of the



2025:DHC:7760



petitioner is heard and decided by the ATMCD.

11. Further, no demolition action shall be taken by the MCD, till the appeal before the ATMCD is decided.

12. This order is being passed in view of the fact that currently there is no Presiding Officer in the ATMCD.

13. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD on its own merits.

14. Rights and contentions of all the parties are left open, and are to be decided in the appropriate proceedings.

15. Limited protection has been provided to the petitioner in the peculiar facts and circumstances of the present case.

16. With the aforesaid directions, the present writ petition, along with the pending applications, is disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 4, 2025/ak**