



2025:DHC:8858



\$~75

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 06<sup>th</sup> October, 2025**

+ W.P.(C) 15228/2025, CM APPL. 62437/2025 &amp; CM APPL. 62438/2025

MIRZA ISLAM BAIG

.....Petitioner

Through: Mr. Mohit Chaudhary and Ms. Nikky,  
Advts.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Kapil Dutta and Mr. Siddharth  
Parashar, Advts. for MCD**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral)**

1. The present writ petition has been filed seeking directions to the respondent-Municipal Corporation of Delhi ("MCD") to not take action with regard to the Demolition Order dated 19<sup>th</sup> September, 2025, issued by the respondent-MCD.
2. Learned counsel appearing for the petitioner submits that the petitioner is the occupier and owner of the property, bearing *No. 4469, Gali Shahtara, Ajmeri Gate, Delhi-110006*.
3. It is submitted that after the remand of the matter by the Appellate Tribunal MCD ("ATMCD") *vide* order dated 28<sup>th</sup> April, 2025, a fresh Demolition Order dated 19<sup>th</sup> September, 2025 has been passed by the MCD.



He submits that the petitioner wishes to file an appeal before the ATMCD. However, since currently there is no Presiding Officer in the ATMCD, the present writ petition has been filed with a prayer for limited protection till the time the appeal of the petitioner taken up for hearing by the ATMCD.

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD who confirms the fact that, currently, there is no Presiding Officer in the ATMCD.

5. Considering the fact that the petitioner herein is in the process of filing an appeal before the ATMCD against the Demolition Order passed by the MCD and that the present writ petition has been filed only on account of the fact that there is no Presiding Officer in the ATMCD, this Court is of the view that the petitioner ought to be granted opportunity of hearing before the ATMCD.

6. Accordingly, it is directed that the petitioner shall file an appeal before the ATMCD, within a period of one week from today.

7. Considering the fact that currently there is no Presiding Officer in the ATMCD, it is directed that no coercive action shall be taken against the property in question, till any next date which is given by the ATMCD, in case, appeal is filed by the petitioner within a period of one week from today.

8. It is clarified that this Court has not expressed any opinion on the merits of the case.

9. The present order has been passed only with a view to allow an opportunity to the petitioner to file an appeal before the ATMCD and press his case before the said authority.

10. Rights and contentions of both the parties are left open.



2025:DHC:8858



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

**MINI PUSHKARNA, J**

**OCTOBER 6, 2025/KR**