



2025:DHC:8862



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 06th October, 2025**

+ W.P.(C) 15270/2025

DINESH KUMAR

.....Petitioner

Through: Mr. Rohit Gupta, Mr. Gopal Agania,
Advocates (M:7042621255)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Siddhant Nath, SC-MCD with
Mr. Bhavishya Makhija, Advocate
(M:9910870397)
Mr. Amjad Malak and Mr. Rinku
Yadav, Advocates for R-2 (M:
9999229379)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions to restrain respondent from initiating any coercive action against the property of the petitioner till the Presiding Officer of the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD") assumes charge and hears the appeal filed by the petitioner.
2. It is submitted that the petitioner is the owner of and in lawful possession of the property bearing *No. 18/4, Azad Colony, Bagh Kare Khan, Kishan Ganj, Malka Ganj, North Delhi-110007*.
3. He submits that a Demolition Order dated 23rd September, 2025 has been received by the petitioner on 25th September, 2025 issued by the respondent-Municipal Corporation of Delhi ("MCD"), against which, the



petitioner is in the process of filing an appeal before the ATMCD. Thus, it is submitted that the present petition has been filed for a limited protection not to take coercive action against the petitioner, till an appeal is filed by the petitioner, and is duly heard by the ATMCD.

4. Issue notice. Notice is accepted by learned counsel appearing for the MCD, who confirms the fact that, as of now, 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 to be heard by 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, the 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.



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11. With the aforesaid directions, the present writ petition is accordingly disposed of.

OCTOBER 6, 2025/au

MINI PUSHKARNA, J