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

% **Date of Decision: 08th October, 2025**

+ W.P.(C) 15359/2025 & CM APPL. 63011/2025

MOHD. JAVED KHANPetitioner

Through: Mr. Hasibuddin, Adv.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Sagar Kumar, SC 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 to not execute the Demolition Order dated 18th September, 2025, till an appeal is filed by the petitioner before the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD"), and the said appeal is heard.
2. It is submitted that the petitioner is a resident of property *No. 374, Gali No. 17, Zakir Nagar, Jamia Nagar, New Delhi-110025*. It is submitted that a Show Cause Notice dated 21st August, 2025, has been received by the petitioner, which was duly replied. Subsequently, the petitioner has received a Demolition Order dated 18th September, 2025. It is submitted that the remedy of the petitioner is to file an appeal before the ATMCD. However, since the ATMCD is not functional at the time, the present petition has been filed seeking a limited protection.
3. Learned counsel appearing for the petitioner further submits that an



application for regularization of the existing construction in the property in question, has also been filed by the petitioner.

4. Responding to the present writ petition, learned counsel appearing for the respondent-MCD has handed over various documents pertaining to the various orders passed against the property of the petitioner, which are taken on record.

5. Learned counsel appearing for the respondent-MCD submits that the property in question was earlier booked on 26th November, 2024 and subsequently, a Demolition Order dated 24th December, 2024, was passed. He submits that the petitioner continued with the unauthorized construction, and thus, the property in question was again booked on 21st April, 2025, followed by a Demolition Order dated 13th May, 2025. He further submits that letters dated 17th June, 2025 and 17th July, 2025, have also been issued to the Station House Officer (“SHO”), Police Station Jamia Nagar to keep a watch and ward against the property in question. He further submits that part-action against the property in question has already been taken on 09th June, 2025 and 14th July, 2025.

6. At this stage, learned counsel appearing for the petitioner submits that limited protection may be granted to him for the purposes of filing an appeal.

7. Accordingly, it is directed that the petitioner shall file an appeal before the ATMCD within a period of two weeks, from today. In order to allow the petitioner to file an appeal before the ATMCD, it is directed that no coercive action shall be taken against the property of the petitioner for a period of only two weeks.

8. Further, in case, at the time of filing of the appeal before the ATMCD,



there is no Presiding Officer in the ATMCD, the protection as granted by this Court, shall extend to any further date that may be given by the ATMCD.

9. It is clarified that the present order is being passed only for the reason that this Court has been informed that there is no Presiding Officer in the ATMCD, currently.

10. This Court has not expressed any opinion on the merits of the case.

11. Rights and contentions of the parties are left open, which shall be decided in the appropriate proceedings.

12. It is further clarified that requisite action shall be taken by the MCD, subject to any order that may be passed by the ATMCD.

13. The petitioner is directed not to carry out any further construction in the property in question or any construction in the name of renovation. In case, the petitioner is found by the MCD to be carrying out any further construction, the protection granted by today's order, shall automatically lapse.

14. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 8, 2025/KR