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

% **Date of Decision: 09.09.2025**

+ **W.P.(C) 13833/2025 & CM APPL. 56733/2025**

**MANNO DEVI**

.....Petitioner

Through: Mr. Rajesh Yadav, Sr. Adv.with Mr.  
V.P. Rana and Mr. Harvinder Das,  
Advvs.

versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr. Bharat Malhotra, Adv. for MCD  
(Through VC)

**CORAM:**

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

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

1. The present writ petition has been filed seeking direction to respondent-Municipal Corporation of Delhi ("MCD") not to carry out any demolition in the property, i.e., *Khasra No. 113/2, Near Gali NO. 16, Village Wazirabad, Delhi-110084*, until the *Appeal No. 597/2025*, and the interim application for stay filed therein, is taken up for hearing by the Appellate Tribunal MCD ("ATMCD").

2. Learned Senior Counsel appearing for the petitioner submits that the petitioner is the owner and in possession of the property in question, consisting of basement, ground, first, second and third floors. It is submitted that the said building was constructed prior to 2011, and, therefore, is protected under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.



3. It is submitted that *vide* Show Cause Notice dated 06<sup>th</sup> August, 2025, issued under Section 345A of the Delhi Municipal Corporation Act, 1957 (“DMC Act”), the respondent has directed the petitioner to submit a reply/show cause within three days as to why the property of the petitioner may not be sealed.
4. It is submitted that the petitioner has already filed a reply dated 08<sup>th</sup> August, 2025, wherein, the petitioner has sought further time to submit the supporting documents, and has asked for personal hearing.
5. Learned Senior Counsel appearing for the petitioner submits that however, on 18<sup>th</sup> August, 2025, another notice dated 18<sup>th</sup> August, 2025, was pasted on the gate of the property in question, and part demolition action was taken on 18<sup>th</sup> August, 2025, itself. Thus, it is submitted that the petitioner filed an appeal bearing *No. 597/2025*, before the ATMCD on 25<sup>th</sup> August, 2025. However, since there is no Presiding Officer in the ATMCD, the present writ petition has been filed.
6. It is further submitted that on 03<sup>rd</sup> September, 2025, part demolition action was again taken against the property in question. Thus, it is submitted that part demolition action has already been taken by the MCD, and in case, no protection is granted against the demolition, the entire property of the petitioner will be demolished without adjudicating the appeal or the interim stay application of the petitioner. Thus, learned Senior Counsel appearing for the petitioner submits that only a limited prayer is sought in the present case, so that no further demolition action, or sealing action, is taken by the respondent-MCD, until the appeal of the petitioner and application for stay therein is heard.
7. Issue notice. Notice is accepted by learned counsel appearing for the



respondent-MCD, who submits that a Demolition Order in the present case was passed on 05<sup>th</sup> December, 2024. He further submits that the petitioner was aware of the earlier Show Cause Notices, having been issued in the year 2024, to which reply was also filed.

8. He further submits that a writ petition being *W.P.(C) 16131/2024*, titled as “*Abhishek Chaudhary Versus Municipal Corporation of Delhi & Ors.*”, was filed, which was disposed of *vide* order dated 21<sup>st</sup> November, 2024. He submits that a contempt petition is also pending against the MCD with regard to the said case, which is next listed for hearing on 10<sup>th</sup> November, 2025.

9. Learned counsel appearing for the MCD thus, submits that requisite action is being taken by the MCD, after following the due process.

10. Responding to the aforesaid submissions, learned Senior Counsel appearing for the petitioner submits that the Demolition Order dated 05<sup>th</sup> December, 2024, was never received by the petitioner, and it is only now that when Notices have been issued to the petitioner, that the petitioner has come to the knowledge of the said Demolition Order. He further submits that the petitioner was never a party to the previous writ petition, i.e., *W.P.(C) 16131/2024*, and was not aware of the orders passed therein.

11. Learned counsel appearing for the MCD disputes the aforesaid submission.

12. Having heard learned counsels for the parties, this Court notes that since an appeal has already been filed by the petitioner before the ATMCD, and in the absence of the Presiding Officer of the ATMCD, the appeal of the petitioner is yet to be heard.

13. Accordingly, this Court is of the view that the petitioner is required to



be given an opportunity so that the appeal of the petitioner is heard.

14. This Court notes that the *Appeal No. 597/2025*, i.e., the appeal of the petitioner is next listed before the ATMCD on 23<sup>rd</sup> September, 2025.

15. Accordingly, it is directed that no coercive action shall be taken against the property in question till the next date of hearing before the ATMCD, i.e., 23<sup>rd</sup> September, 2025.

16. It is further directed that in case there is no Presiding Officer even on the next date of hearing, as given by the ATMCD, the protection granted by this Court today, shall extend to any next date which is given by the ATMCD.

17. However, in the meanwhile, in case, the Presiding Officer of the ATMCD takes charge, the petitioner herein shall file an application within two weeks of the Presiding Officer taking charge, for taking up his appeal and the application for stay.

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

19. The present order has been passed only with a view to grant limited protection to the petitioner till the appeal/stay application of the petitioner is heard by the ATMCD.

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

21. Accordingly, the present writ petition, along with the pending application, stands disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 9, 2025/KR**