



2025:DHC:9063



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 09th October, 2025**

+ W.P.(C) 15508/2025, CM APPL. 63456/2025 & CM APPL. 63457/2025

RAJWANTI DESHWAL

.....Petitioner

Through: Mr. Samman Vardhan Gautam, Ms. Khushi Sharma, Mr. Priyam Tiwari and Ms. Anshika, Advocates with petitioner in person.

Mob: 7717730165

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officeofsammangautam@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Siddhant Nath, SC for MCD with Mr. Bhavishya Makhija, Mr. Amaan Khan, Advocates

Mob: 9910870397

Email: siddhantadv.nath@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 respondent-Municipal Corporation of Delhi ("MCD"), to not take further action against the property of the petitioner, pursuant to the Demolition Order dated 09th July, 2025.

2. Learned counsel appearing for the petitioner submits that the respondent has issued the Demolition Order in utter violation of the Principles of Natural Justice, inasmuch as no Show Cause Notice has been



served upon the petitioner against the property bearing *No. 6B/9, Ward No. 9, Kishangarh, New Delhi-110070*, admeasuring 140 sq. yds., which is an old construction built in the shape of ground floor and first floor.

3. It is submitted that the respondent-MCD has already taken partial action on 06th October, 2025.

4. It is submitted that since, there is no Presiding Officer in the Appellate Tribunal, MCD (“ATMCD”) currently, the present writ petition has been filed.

5. Responding to the present writ petition learned counsel appearing for the respondent vehemently denies the submission made by learned counsel appearing for the petitioner. He has handed over certain documents, which are taken on record.

6. As per the respondent, a Show Cause Notice dated 19th June, 2025 was issued, which was duly pasted outside the premises of the petitioner. Further, Demolition Order dated 09th July, 2025 was also passed, which was also pasted outside the premises of the petitioner.

7. However, the aforesaid fact is denied by the learned counsel appearing for the petitioner, on the ground that the said action has been taken at the behest of son of the petitioner and since, the residential address is same, the pasting of the Show Cause Notice and the Demolition Order is not in the premises of the petitioner, but on the portion of the premises of the son of the petitioner.

8. However, the aforesaid facts are disputed by learned counsel appearing for the respondent-MCD.

9. Be that as it may, this Court notes the fact that currently there is no Presiding Officer in the ATMCD. Further, this Court also takes note of the



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fact that demolition action has already been taken by the MCD on 06th October, 2025.

10. Accordingly, only with a view to allow the petitioner to file an appeal before the ATMCD, it is directed that no further coercive action shall be taken against the petitioner, to allow the petitioner to file an appeal within a period of four weeks, from today.

11. In further consideration of the submissions made before this Court, it is directed that no further coercive action shall be taken against the property of the petitioner till hearing of the interim application by the learned ATMCD.

12. It is further directed that in case there is no Presiding Officer even at the time of filing of the appeal by the petitioner, the protection granted by today's order shall automatically extend to the next date which is given by 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 independently, after hearing the parties.

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

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

MINI PUSHKARNA, J

OCTOBER 9, 2025/SK