



2025:DHC:8014



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

% **Date of Decision: 10th September, 2025**

+ W.P.(C) 13891/2025

NARESH KUMAR SHARMA

.....Petitioner

Through: Mr. Parul Agarwal, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Gyanendra Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions to the respondent not to execute the Demolition Order dated 18th August, 2025.
2. It is submitted that the petitioner is a peace loving and law abiding citizen of India, and is residing at the property, i.e., *Flat No. B-104, Block-B, Vijay Co-Operative Group Housing Society Ltd., Plot No.17, Sector-18-A, Dwarka, New Delhi- 110075.*
3. It is further submitted that the petitioner, i.e., Mr. Naresh Kumar Sharma had purchased the property in question from its previous owner, i.e., Shri Rohit Khurana S/o Sh. Gian Inderjeet Khurana, by way of a Registered Sale Deed dated 27th July, 2018, which was duly registered with the concerned Sub Registrar, Delhi, and since then the petitioner is in lawful ownership and possession of the property in question.



2025:DHC:8014



4. It is further submitted that the Show Cause Notice dated 29th July, 2025, was not served to the petitioner. It was only on 19th August, 2025, that the guard of the society, where the property in question is situated, handed over the Show Cause Notice the petitioner. It is submitted that the said Show Cause Notice is not in the name of the petitioner, thereby rendering the same *void ab initio*.
5. It is further submitted that thereafter the petitioner filed his reply before the respondent on 21st August, 2025, in respect of the Show Cause Notice dated 29th July, 2025. Moreover, the same was not considered by the respondent Municipal Corporation of Delhi (“MCD”).
6. It is further submitted that the petitioner has never raised/carried out any fresh or unauthorized construction/alteration whatsoever in the property in question at any point of time, since the time of its purchase.
7. It is further submitted that as per the Sanction Plan provided by the society to the petitioner, the structure of the property in question of the petitioner is same, and there is no fresh or unauthorized construction of any kind done by the petitioner, at any point of time.
8. It is further submitted that on 25th August, 2025, the governing body of the society informed the petitioner about the aforesaid Demolition Order dated 18th August, 2025.
9. It is further submitted that now the officials of the respondent are visiting the society, thereby, threatening the petitioner and also the other residents/members of the society, that they will execute all the Demolition Orders against the properties in the society, including, the property of the petitioner.



2025:DHC:8014



10. Thus, it is submitted that the aforesaid impugned Demolition Order dated 18th August, 2025, is highly illegal, unjust, unwarranted, uncalled for, cryptic and not applicable upon the petitioner, therefore, the same is liable to be set aside/quashed.

11. It is further submitted that the appeal filed by the petitioner, being *Appeal No. 602/25*, was listed before the Appellate Tribunal, MCD (“ATMCD”) on 02nd September, 2025, and now the next date of hearing for the same is 08th October, 2025. It is submitted that since 06th August, 2025, the post of Presiding Officer of the ATMCD, is lying vacant as the term of the earlier Presiding Officer has expired, and no new Presiding Officer has joined the ATMCD. Hence, the petitioner is left with no other alternate and efficacious remedy, than to come before this Court, to safeguard his fundamental right under Article 21 of the Constitution of India.

12. Thus, the present writ petition has been filed seeking a direction to the respondent-MCD not to execute the said Demolition Order dated 18th August, 2025, till the appeal filed by the petitioner herein, is heard by the ATMCD.

13. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD.

14. Learned counsel appearing for MCD submits that the present case involves eight flats in total, wherein, regularization was found to have been obtained through misrepresentation. He submits that the architect in question, through whom the regularization application had been filed, has also been debarred for a period of three years. He submits that a hearing was conducted on 16th May, 2025 and the petitioner was also granted a hearing.



2025:DHC:8014



15. Having heard learned counsels for the parties, without going into the merits of the case, it is directed that since the petitioner has already filed an appeal before the ATMCD, no coercive action shall be taken against the petitioner till hearing is granted by the learned ATMCD.

16. This Court is informed that in the appeal filed by the petitioner herein before the learned ATMCD, the next date is 08th October, 2025. This Court is further informed that currently there is no Presiding Officer in the ATMCD.

17. Thus, considering the aforesaid, it is directed that no coercive action shall be taken against the petitioner, till the appeal of the petitioner is taken up for hearing by the ATMCD.

18. This Court takes note of the fact that the appeal of the petitioner before the ATMCD is next listed on 08th October, 2025. It is clarified that in case there is no Presiding Officer in the ATMCD even by the next date of hearing, i.e., 08th October, 2025, the extension granted today, shall extend to any next date which is given by the learned ATMCD.

19. It is further directed that whenever the Presiding Officer of the learned ATMCD takes charge, within two weeks thereafter, the petitioner herein shall move an application before the learned ATMCD for taking up his appeal for hearing.

20. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the learned ATMCD independently, after hearing the parties.

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



2025:DHC:8014



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

MINI PUSHKARNA, J

SEPTEMBER 10, 2025/KR