



2025:DHC:8009



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 10th September, 2025**

+ W.P.(C) 13900/2025, CM APPL. 56940/2025, CM APPL. 56941/2025 & CM APPL. 56942/2025

SACHIN TYAGI

.....Petitioner

Through: Mr. Amit Chadha, Sr. Adv. along with Mr. Vimal Tyagi, Mr. Saurabh Goel, Mr. Atin Chadha, Mrs. Munisha Chadha, Mr. Harjas Singh, Mr. Dhruv Tomar, Mr. Kartik Shoukeen and Mr. Balaji Pathak, Advs.

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versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Parminder Singh, SC for R-1 with Mr. Aryanshu Vaibhav Gautam, Adv.

Mob: 7042261567

Mr. Sahaj Garg, SPC for R-UOI

Mob: 6295355315

Email: neerajindia@hotmail.comsahaj002@yahoo.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL)**

1. The present writ petition herein has been preferred by the petitioner under Article 226 of the Constitution of India, challenging the Demolition



Order dated 05th December, 2024, passed by the respondent-Municipal Corporation of Delhi (“MCD”).

2. Learned Senior Counsel appearing for the petitioner submits that the petitioner is the rightful owner of the ancestral property bearing *Khasra No. 5/22, 100 Futa Road, Burari, Delhi-110084*. The construction of the said property was undertaken in 2012 to build temporary/kutcha structures and the same has been used for commercial purposes since then.

3. The subject property has been in continuous and open possession with the petitioner, and existence is within the knowledge of the civic authorities.

4. It is, thus, submitted that the subject property is protected under the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007. Even otherwise, the area in question is a ‘commercial area’ as per the Master Plan Delhi, 2021.

5. On 25th September, 2024, the respondent- MCD passed a Demolition Order against the property in question. The petitioner challenged this action by way of *W.P.(C) 13820/2024*, wherein this Court, *vide* order dated 01st October, 2024, allowed the writ and quashed the said Demolition Order.

6. Despite the aforesaid order passed by this Court, the MCD issued a fresh Demolition Order dated 05th December, 2024, alleging ongoing illegal construction at the property in question.

7. The petitioner, in full compliance with law, preferred a statutory appeal before the Appellate Tribunal, MCD (“ATMCD”) by way of *Appeal 1078/2024*. The matter is pending adjudication and no final order has been passed yet, due to ATMCD’s functional vacancy. Thus, no stay application could be heard by the ATMCD.



8. It is submitted that in complete disregard of the pending statutory appeal, and without any stay application being rejected, officers of the respondents-MCD conducted part demolition of the petitioner's property on 04th September, 2025. This said action is arbitrary, *mala fide*, and vitiates the petitioner's fundamental right to fair hearing and due process. It also violates the doctrine of fairness, as enshrined in Principles of Natural Justice, and prejudices right of the petitioner for the appellate remedy provided under the Delhi Municipal Corporation Act ("DMC Act").

9. It is submitted that the petitioner is approaching this court as unlawful and illegal notice has been given by the respondent-MCD, as the property in question of the petitioner is an old constructed property, which was built in year 2012. Even otherwise, the said area in question is an urbanized area wherein, as per the reply of respondent-MCD also, the said land belongs to commercial area, as per MPD 2021.

10. Learned Senior Counsel appearing for the petitioner, thus, submits that since the MCD has already taken part-demolition action, and there is a threat that the MCD may take further action, the present writ petition has been filed seeking a limited protection that no further action be taken against the property of the petitioner, till the appeal of the petitioner is heard by the ATMCD. Therefore, the learned Senior Counsel appearing for the petitioner submits that the present writ petition has been filed only on account of the fact that there is no Presiding Officer in the ATMCD currently.

11. *Per contra*, learned counsel appearing for the MCD, on advance notice, submits that the appeal filed by the petitioner is pending since December 2024. He submits that the petitioner has not been granted any stay by the ATMCD. He further draws the attention of this Court to orders dated



03rd February, 2025, 10th February, 2025, 21st March, 2025 and 01st August, 2025, to submit that the petitioner himself has been taking adjournments before the ATMCD, for which a cost of Rs. 5,000/- was also imposed upon the petitioner. He, thus, submits that there no case in favour of the petitioner for grant of any protection is made out.

12. At this stage, learned Senior Counsel appearing for the petitioner submits that the petitioner shall not take any adjournment before the ATMCD, and shall argue the matter before the ATMCD, as and when the Presiding Officer of the ATMCD takes charge.

13. Considering the submissions made before this Court, this Court is of the view that the appeal of the petitioner herein, ought to be heard by the ATMCD.

14. This Court notes that in the said appeal, the next date of hearing before the ATMCD has been fixed as 06th January, 2026.

15. Considering the submissions made before this Court, the next date before the ATMCD, is advanced to 15th October, 2025.

16. Further, it is directed that no coercive action shall be taken against the property in question, till the appeal of the petitioner is heard by the ATMCD on 15th October, 2025.

17. Further, in case, the Presiding Officer of the ATMCD does not take charge even on the next date of hearing when the appeal of the petitioner is listed, i.e., 15th October, 2025, the protection granted today shall extend automatically to the next date, which is given by the ATMCD.

18. However, in case, the Presiding Officer of the ATMCD takes charge in the meanwhile, it is directed that the petitioner shall file an appropriate application before the ATMCD, within a period of two weeks of the



2025:DHC:8009



Presiding Officer of the ATMCD taking charge, for taking up his appeal.

19. It is clarified that this Court has not expressed any opinion on the merits of the case.

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

21. The present order is being passed only with a view to allow an opportunity to the petitioner to argue his appeal before the ATMCD.

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

MINI PUSHKARNA, J

SEPTEMBER 10, 2025/MJ