



2025:DHC:7995



\$~58

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

% **Date of Decision: 11th September, 2025**

+ W.P.(C) 14012/2025, CM APPL. 57321/2025, CM APPL.
57322/2025 & CM APPL. 57323/2025

WASEEM AHMED

.....Petitioner

Through: Mr. Mutiur Rehman, Ms. Shaheen,
Mr. Tabish, Mr. Puneet Gautam, Ms.
Mehvish and Ms. Arshi, Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Vinod Kumar Khanna, Adv. for
MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking directions for setting aside and quashing the Demolition Order dated 08th August, 2025, in respect of property bearing *No. 9191, Third Floor, Gali Zameer Wali, Nawab Ganj, Azad Market, Delhi-110006*.
2. Learned counsel appearing for the petitioner submits that the impugned Demolition Order dated 08th August, 2025, in respect of the petitioner's property was never received by the petitioner.
3. It is submitted that the impugned Order has been passed with respect to only the third floor of the property in question. However, it is submitted that the entire building from the ground floor to the third floor was constructed in the year 2002, before the cutoff date as given in The National



2025:DHC:7995



Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. Thus, it is submitted that there is no new construction carried out by the petitioner at the subject property.

4. Learned counsel appearing for the petitioner further submits that the property in question was purchased by the petitioner on 04th June, 2025, from the previous owner.

5. It is submitted that the petitioner visited the property in question on 03rd September, 2025, when he was informed by the occupants of other floors about the Demolition Order having been passed.

6. It is submitted that the impugned Demolition Order has been passed, despite the fact that the third floor of the property in question is also an old construction.

7. Learned counsel appearing for the petitioner submits that the present petition has been filed for seeking limited protection, since there is no Presiding Officer in the Appellate Tribunal Municipal Corporation of Delhi (“ATMCD”).

8. He submits that the petitioner is in the process of filing an appeal before the ATMCD at the moment.

9. Responding to the present petition, learned counsel appearing for the respondent-MCD submits that a Civil Suit with respect to the property in question is pending in the District Court, Tis Hazari. He submits that inspection of the property in question was duly carried out on 28th April, 2025, and after following the due process, the Demotion Order has been passed. He submits that the third floor and fourth floor of the property in question are unauthorized.

10. Having heard learned counsels appearing for the parties, this Court



2025:DHC:7995



notes the submission made by learned counsel appearing for the petitioner that the petitioner shall file an appeal before the ATMCD, challenging the Demolition Order dated 08th August, 2025.

11. Accordingly, considering the facts and circumstances of the present case, it is directed that the petitioner shall file an appeal before the ATMCD within a period of two weeks, from today.

12. Accordingly, no coercive steps shall be taken against the petitioner for a period of two weeks, from today.

13. In case, there is no Presiding Officer at the time of filing of the appeal by the petitioner, the protection granted today, shall extend to the next date which is granted by the ATMCD.

14. However, it is clarified that within two weeks of the Presiding Officer of the ATMCD taking charge, the petitioner herein shall file the requisite application before the ATMCD for taking up his appeal for hearing.

15. It is further clarified that the aforesaid protection is being granted to the petitioner only as an interim measure, so that the appeal of the petitioner is considered by the ATMCD.

16. It is further clarified that this Court has not expressed any opinion on the merits of the case of the petitioner, which shall be considered and decided by the ATMCD on its own merits.

17. Rights and contentions of all the parties are left open.

18. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 11, 2025/KR