



2025:DHC:6854



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

% **Date of Decision: 12th August, 2025**

+ **W.P.(C) 12157/2025 & CM APPL. 49609/2025**

JEET SINGH AND ORS.

.....Petitioners

Through: Mr. Javed Khan, Advocate
(M:8882323437)

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr. Gyanendra Kumar, Advocate for
MCD (M:9560505601)
Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar, Mr. Amit
Kumar Rana, Advocates for R-2

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking directions to the respondents to not take coercive action against the petitioners until the Presiding Officer of the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD") assumes charge and hears the appeal filed by the petitioners herein before the ATMCD, in accordance with law.
2. It is submitted that the petitioners had earlier approached this Court in *W.P.(C) 9549/2025*, titled as "*Jeet Singh and Ors. Versus Municipal Corporation of Delhi and Anr.*", which was disposed of *vide* order dated



10th July, 2025, in the following manner:

“xxx xxx xxx

18. Since, it is the case of the petitioners that Principles of Natural Justice have not been followed, this Court considers it fit to grant appropriate opportunity to the petitioners to challenge the action of the MCD before the proper forum, i.e., ATMCD.

19. Accordingly, though it is the case of the respondent-MCD that requisite notices have already been supplied to the petitioners, considering the submissions made before this Court, learned counsel appearing for the respondent-MCD is directed to supply a copy of all the notices/documents to learned counsel appearing for the petitioners, on the E-mail, which is reflected in today's order.

20. Let the needful be done by learned counsel appearing for the respondent-MCD by today itself.

21. Liberty is granted to the petitioners to approach the ATMCD, in order to seek their remedies in accordance with law.

22. In order to allow the petitioners to approach the ATMCD, it is directed that no coercive action shall be taken against the property of the petitioners, for a period of four weeks from today.

23. It is clarified that, in case, the petitioners do not file appeal before the ATMCD, within a period of four weeks from today, the interim protection granted to the petitioners by today's order, shall automatically lapse.

xxx xxx xxx”

(Emphasis Supplied)

3. Learned counsel for the petitioners submits that this Court had granted time for a period of four weeks to the petitioners to file an appeal before the ATMCD. He submits that the said appeal bearing No. 56/2025 was duly filed on 06th August, 2025, within period of four weeks. However, as per the order dated 10th July, 2025 passed by this Court, the interim protection granted to the petitioners has lapsed on 08th August, 2025.

4. He submits that since there is no Presiding Officer in the ATMCD, the appeal filed by the petitioners has not been heard by ATMCD.

5. Thus, the present writ petition has been filed for granting further



extension of protection to the petitioners, till the appeal is heard by ATMCD.

6. Issue notice. Notice is accepted by learned counsels for respondents.

7. Learned counsel for respondent no. 1-Municipal Corporation of Delhi (“MCD”) submits that the Presiding Officer of the ATMCD demitted his office on 05th August, 2025 and the present appeal was filed on 06th August, 2025.

8. He submits that ample time was granted to the petitioners and the petitioners ought to have filed their appeal before the ATMCD earlier, and not at the last leg when the period of four weeks, was about to end.

9. Having heard learned counsels for the parties, considering the submissions made before this Court, the following directions are issued:

- I. The protection granted to the petitioners *vide* order dated 10th July, 2025, passed in *W.P.(C) 9549/2025*, is extended in favour of the petitioners, which shall remain in operation till the joining of a new Presiding Officer in the ATMCD and two weeks thereafter.
- II. Upon the new Presiding Officer joining the ATMCD, the petitioners shall move an appropriate application before the ATMCD for getting their matter listed within two weeks of the new Presiding Officer joining the ATMCD.
- III. It is made clear that, in case, the petitioners do not take steps for getting their appeal listed within two weeks of the new Presiding Officer joining the ATMCD, the protection granted today shall lapse.
- IV. The ATMCD shall hear the matter on its merits and pass orders accordingly.
- V. It is clarified that this Court has not adjudicated upon the merits of the



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case, which shall be decided independently by the ATMCD, in accordance with law.

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

AUGUST 12, 2025/au

MINI PUSHKARNA, J