



2025:DHC:8041



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12.09.2025**

+ W.P.(C) 14058/2025

ASHA SHARMA

.....Petitioner

Through: Mr. Navin Kumar Thakur, Ms.
Prakriti Priya, Ms. Nitika and Mr.
Ram Kumar, Advs. (Through VC)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Rohit Katheria, Adv. for R-MCD
Mob: 9717948948
Email: r.dkatheria@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL)**

1. The present writ petition has been filed seeking directions for setting aside the Vacation Notice dated 05th June, 2025, along with the order passed by the Assistant Engineer (Building) Shahdara (South) Zone, in respect of property of the petitioner, i.e., property bearing *no. E-100, Second Floor, Gali No. 11, Shashi Garden, Patpadganj, Mayur Vihar Phase-I, Delhi-110091*.
2. Learned counsel appearing for the petitioner submits that the Vacation Notice dated 05th June, 2025 has been received by the petitioner. However, the petitioner has neither received any Show Cause Notice pertaining to any unauthorized construction in the property of the petitioner, nor any Demolition Order.



3. *Per contra*, learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”), submits that Show Cause Notice with respect to the unauthorized construction in the property in question, was issued on 28th February, 2025, which was duly served upon the petitioner on 06th March, 2025, by speed post. He further submits that no reply was received from the petitioner and thus the Demolition Order was passed on 24th March, 2025.
4. Learned counsel appearing for respondent-MCD has handed over Status Report along with documents, which are taken on record.
5. Having heard learned counsel appearing for the parties, this Court notes the submission made by learned counsel appearing for the petitioner that the petitioner has approached this Court because there is no Presiding Officer in the Appellate Tribunal, MCD (“ATMCD”) currently.
6. Accordingly, considering the facts and circumstances of the present case, the petitioner is directed to file an appeal before the ATMCD, within a period of three weeks, from today.
7. No coercive action shall be taken against the petitioner for a period of three weeks, in order to enable the petitioner to file an appeal before the ATMCD.
8. In case, on the date when the appeal is filed by the petitioner before the ATMCD, there is no Presiding Officer in the ATMCD, the interim protection granted by this order shall automatically extend to the next date which is granted by the ATMCD.
9. It is further directed that within two weeks of the Presiding Officer of the ATMCD taking charge, the petitioner shall file requisite application before the ATMCD for taking up her appeal for hearing.



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10. It is clarified that this Court has not considered the merits of the case of the petitioner, which shall be considered and decided by the ATMCD on its own merits.
11. Rights and contentions of the parties are left open.
12. It is to be noted that the present interim protection has been granted to the petitioner only with a view that the appeal of the petitioner is heard by the ATMCD.
13. With the aforesaid direction, the present writ petition is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 12, 2025/SK