



2025:DHC:8049



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 12th September, 2025**

+ W.P.(C) 14062/2025 & CM APPL. 57693/2025

MANISH KUMAR AGGARWAL AND ANR.Petitioners

Through: Ms. Parul Agarwal, Adv. (Through
VC)

Mob: 9873416566

Email: advparulgoel@gmail.com

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Ms. Jagrati Singh SC for R-MCD
with Mr. Rajpal, Mr. Surender
Kumar, Mr. Sanjay and Ms. Mamta
Saha, Advs.

Mob: 9250208553

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions to the respondent-Municipal Corporation of Delhi ("MCD") not to execute the Demolition Order dated 18th August, 2025.
2. It is submitted that the petitioners reside at the property bearing *Flat No. 101, Block-A, Ninth Floor, Vijay Co-Operative Group Housing Society Ltd., Plot No.17, Sector-18-A, Dwarka, New Delhi-110075*, against which the impugned Demolition Order has been issued.
3. It is further submitted that the petitioners, i.e., Sh. Manish Kumar



Aggarwal and Sh. Anil Kumar Aggarwal, had jointly purchased the property in question from its previous owner, i.e., Smt. Rita Kapoor, by way of a registered Sale Deed dated 14th February, 2014, and since then, the petitioners are the lawful owners and in possession of the property in question.

4. It is further submitted that the Show Cause Notice dated 29th July, 2025, was not served to the petitioners and it was only on 19th August, 2025, that the guard of the society, where the property in question is situated, handed over the said Show Cause Notice to the petitioners.

5. It is submitted that the said Show Cause Notice is not in the name of the petitioners, thereby rendering the same *void ab initio*.

6. It is further submitted that thereafter the petitioners filed their reply before the respondent on 21st August, 2025, in respect of the Show Cause Notice dated 29th July, 2025, which was not considered by the respondent-MCD.

7. She submits that the petitioners have 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.

8. It is further submitted that as per the Sanctioned Plan provided by the society to the petitioners, the structure of the property in question of the petitioners is the same as the Sanctioned Plan, and there is no fresh or unauthorized construction of any manner undertaken by the petitioners, at any point of time.

9. She submits that on 25th August, 2025, the governing body of the society informed the petitioners about the aforesaid Demolition Order dated 18th August, 2025.



10. It is further submitted that now the officials of the respondent are visiting the society, thereby, threatening the petitioners 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 petitioners.

11. Thus, it is submitted that the impugned Demolition Order dated 18th August, 2025, is highly illegal, not applicable upon the petitioner, therefore, the same is liable to be set aside/quashed.

12. It is further submitted that the appeal filed by the petitioners, being *Appeal No. 604/25*, 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.

13. 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 petitioners are left with no other alternate and efficacious remedy, than to come before this Court.

14. 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 petitioners herein, is heard by the ATMCD.

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

16. 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.



17. 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 further submits that a hearing was conducted on 16th May, 2025 and the petitioners were also granted a hearing.

18. This Court *vide* orders dated 10th September, 2025 and 11th September, 2025 in *W.P.(C) 140441/2025* and *W.P.(C) 13891/2025* respectively, has passed similar orders in relation to the impugned Demolition Order dated 18th August, 2025.

19. In parity with the directions issued in the aforesaid writ petitions and on account of the submissions before this Court, without going into the merits of the case, and in consideration of there being no Presiding Officer in the ATMCD, it is directed that since the petitioners have already filed an appeal before the ATMCD, no coercive action shall be taken against the petitioners, till hearing is granted by the learned ATMCD.

20. This Court takes note of the fact that the appeal of the petitioners 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 protection granted today, shall extend to any next date which is given by the learned ATMCD.

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

22. It is further 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.



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23. Rights and contentions of all the parties are left open, to be decided in appropriate proceedings.
24. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 12, 2025/SK