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

% **Date of Decision: 16th September, 2025**

+ W.P.(C) 14284/2025, CM APPL. 58475/2025 & CM APPL.
58476/2025

PRAVEEN KUMAR SHARMA

.....Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,
Mr. Anikesh Tiwari and Ms. Nimisha
Gupta, Advs.
Mob: 9891478847
Email: adv.raahulkumar@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Advocate appearance not given.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL)

1. The present petition has been filed seeking directions for setting aside the Demolition Order dated 20th June, 2025, along with the Show Cause Notice dated 15th May, 2025, issued by the respondent. There is further prayer for directing the respondent not to take any coercive action against the property bearing *no. RZ-175, Gali No. 15, Tughlakabad Extension, Delhi-110019*, till the pendency of the appeal under Section 347B of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), filed by the petitioner against the Demolition Order dated 20th June, 2025.

2. Learned counsel appearing for the petitioner submits that the property of the petitioner, is an old construction existing since prior to 2006, since the



water connection for the property in question was installed on 15th April, 2006. Copy of the water connection receipt dated 15th April, 2006, and electricity bills, have also been placed before this Court.

3. Hence, it is submitted that the property of the petitioner is protected under the Master Plan of Delhi 2021, as well as the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023.

4. It is submitted that the petitioner was served with the Show Cause Notice dated 15th May, 2025, by the respondent, thereby, informing that the property of the petitioner had been booked by the respondent for demolition. It is submitted that the Show Cause Notice dated 15th May, 2025, itself states details of unauthorized construction in the building in question as an “old repair and accommodation”, thereby, admitting that the construction in the property in question is old. Thus, it is submitted that though the petitioner has been given a personal hearing and requisite documents were submitted by the petitioner, however, the same were not taken into account.

5. Thus, it is submitted that an appeal has been filed before the Appellate Tribunal Municipal Corporation of Delhi (“ATMCD”), which is next listed for hearing on 28th October, 2025.

6. It is submitted that the present petition has been filed only seeking a limited protection, since there is Presiding Officer in the ATMCD currently, and the appeal of the petitioner cannot be heard.

7. Issue notice. Notice is accepted by learned counsel appearing for respondent-MCD, who submits that requisite action is being taken by the MCD, after following the due procedure.

8. Having heard learned counsels for the parties, without going into the



merits of the case, it is directed that since the petitioner has already filed an appeal before the ATMCD, no coercive action shall be taken against the petitioner till hearing is granted by the learned ATMCD.

9. This Court takes note of the fact that the appeal of the petitioner before the ATMCD is next listed on 28th 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., 28th October, 2025, the protection granted today, shall extend to any next date which is given by the ATMCD.

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

11. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD independently, after hearing the parties.

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

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

MINI PUSHKARNA, J

SEPTEMBER 16, 2025/SK