



2025:DHC:6988



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 18<sup>th</sup> August, 2025**+ **W.P.(C) 12386/2025 & CM APPL. 50478/2025, CM APPL. 50479/2025****SMT SAIMA BEGUM**

.....Petitioner

Through: **Ms. Sana Ansari and Mr. I. Ahmed,**  
**Advs.**

versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: **Mr. Harshit Chopra, Adv. for R-1****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J, (ORAL)**

1. The present writ petition has been filed for restraining the respondent from taking any action coercive action against the property of the petitioner, i.e., third floor being part of property bearing *No. 1846, situated at Ward No. IX, Gali Wazir Beg, Turkman Gate, Delhi-110006*, without adopting due process of law.
2. Learned counsel appearing for the petitioner submits that the petitioner is the owner of third floor of the property in question, having purchased the same, by way of a registered Sale Deed dated 31<sup>st</sup> January, 2023. It is submitted that the petitioner has been informed recently by the officials of the Municipal Corporation of Delhi ("MCD") that demolition action shall be taken against the property of the petitioner.
3. Learned counsel appearing for the petitioner submits that action is



being taken by the MCD against the illegal construction on the fifth floor of the property in question. However, it is submitted that there is no unauthorized construction existing on the third floor of the property. She further submits that no notice has ever been issued to the petitioner with regard to unauthorized construction on the third floor of the property in question. Thus, it is submitted that without following the due process of law, action cannot be taken against the property of the petitioner.

4. *Per contra*, learned counsel appearing for the respondent-MCD, on advance notice, submits that the whole property in question, from ground floor to fifth floor, is unauthorized. He further submits that the unauthorized construction in the property in question, was booked on 23<sup>rd</sup> December, 2022 and a Demolition Order was passed on 05<sup>th</sup> January, 2023.

5. He further submits that partial demolition action against the property in question *qua* some other floor was taken on 12<sup>th</sup> September, 2024. He further submits that further demolition action has been taken *qua* the fifth floor of the property in question on 21<sup>st</sup> and 22<sup>nd</sup> July, 2025. He, thus, submits that the action taken by the MCD, is as per the law.

6. Responding to the aforesaid submissions, learned counsel appearing for the petitioner submits that no Show Cause Notice or Demolition Order has been served upon the petitioner, who is the owner/occupier of the third floor of the property in question.

7. She further submits that the petitioner was aware of the action being taken *qua* the other floors. However, since there was no notice against the portion of the property occupied by the petitioner, the petitioner did not approach this Court earlier.

8. She submits that it is only now when the petitioner has been informed



by the respondent-MCD that action shall be taken against the portion of the property occupied by the petitioner also, that the petitioner has approached this Court.

9. Learned counsel appearing for the petitioner further submits that requisite documents be supplied by the respondent, so that the petitioner can avail all her remedies, in accordance with law.

10. Having heard learned counsels for the parties, this Court notes that since it is the case of the respondent-MCD that a Demolition Order *qua* the property in question has already been issued, which, as per the learned counsel appearing for the petitioner, has not been supplied to the petitioner, it would be in the fitness of things, that the said documents are provided to the petitioner.

11. Accordingly, it is directed that all the requisite documents, along with the Show Cause Notice and Demolition Order, and other related documents, be supplied to learned counsel appearing for the petitioner, within a period of two days, from today.

12. The petitioner is granted liberty to file an appeal before the Appellate Tribunal, MCD (“ATMCD”) within two weeks, after receipt of the documents from the MCD.

13. This Court is informed that there is no Presiding Officer in the ATMCD currently.

14. It is directed that no coercive action shall be taken against the property of the petitioner for a period of two weeks and two days, for allowing the petitioner to file an appeal before the learned ATMCD.

15. In case there is no Presiding Officer in the ATMCD at the time when the appeal is filed by the petitioner herein, it is directed that within two



weeks of the Presiding Officer taking charge in the ATMCD, the petitioner shall move an appropriate application before the ATMCD for getting her appeal listed.

16. It clarified that only interim protection is being granted to the petitioner for the purposes of filing an appeal before the ATMCD. It is further clarified that in case the petitioner does not file the appeal before the ATMCD within a period of two weeks and two days, the interim protection granted by today's order shall automatically lapse. Further, in the event of the Presiding Officer of ATMCD not having taken charge at the time of filing of the appeal, the interim protection granted by this Court shall extend in favour of the petitioner for a period of two weeks till after the joining of the Presiding Officer in the ATMCD.

17. It is further clarified that this Court has not expressed any opinion on the merits of the case, and the same shall be decided by the ATMCD on its own merits. It is further clarified that the stay granted by this Court is only *qua* the third floor of the property in question. The MCD is at liberty to take action against the other floors, in accordance with law.

18. All the rights and contentions of the parties are left open.

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

**MINI PUSHKARNA, J**

**AUGUST 18, 2025/KR**