



2025:DHC:8457



\$~87

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 22nd September, 2025**

+ W.P.(C) 14644/2025, CM APPL. 60109/2025 & CM APPL. 60110/2025

PRADEEP SURI & ANR.

.....Petitioners

Through: Mr. Pramod Tripathi, Mr. Manthan Tripathi, Mr. Vikas Kumar and Mr. Prince Bhardwaj, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Vikas Chopra, SC with Mr. Neeraj Kumar, Ms. Anita R. Mishra and Ms. Khushi, Advs. for MCD

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

1. The present writ petition has been filed seeking directions to quash the Vacation Notice dated 16th July, 2025, issued by the respondent no.3 inasmuch as it pertains to the first floor and second floor of property bearing *No. D-32 A, Old Gupta Colony, Near Vijay Nagar, GTB Nagar, Delhi-110009.*
2. Learned counsel appearing for the petitioners submits that the petitioners have not been supplied with any Demolition Order, and that they have now received, the said Vacation Notice dated 16th July, 2025.
3. Learned counsel appearing for the petitioner submits that there is no Presiding Officer in the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD"), therefore, the present petition has been filed.



2025:DHC:8457



4. Issue notice. Notice is accepted by learned counsel appearing for the respondents MCD.
5. Learned counsel appearing for the MCD submits that in the present case a Show Cause Notice dated 01st December, 2022, was issued, pursuant to which, a reply was also received from the petitioners on 26th December, 2022. He submits that a personal hearing was also granted and thereafter, a Demolition Order dated 09th January, 2023 was issued.
6. Thus, he submits that the requisite action is being taken by the MCD after following the due procedure.
7. *Per contra*, learned counsel appearing for the petitioners submits that the copy of the Demolition Order dated 09th January, 2023, has never been received by them. He further submits that the petitioners are only seeking limited protection before this Court, in order to allow the petitioners to approach the learned ATMCD.
8. Having heard learned counsel appearing for the parties, this Court notes that the petitioners have approached this Court only for a limited prayer to grant protection, in order to allow the petitioners to approach the ATMCD.
9. Considering the submissions made before this Court, it is directed that no coercive action shall be taken against the petitioners, for a period of two weeks, in order to allow the petitioners to file an appeal before the ATMCD, challenging the Demolition Order passed by the MCD, and the consequent Vacation Notice.
10. This Court is informed that there is currently no Presiding Officer, in the ATMCD. Thus, in case, on the date of filing of the appeal, there is no Presiding Officer in the ATMCD, and a date is given, the protection granted



2025:DHC:8457



by today's order, shall extend automatically to any next date, which is given by the ATMCD.

11. It is further directed that within three weeks of the Presiding Officer of the ATMCD taking charge, the petitioner shall file the requisite application, before the ATMCD for taking up their appeal for hearing.

12. It is clarified that this Court has not considered the merits of the case of the petitioners, which shall be considered and decided by the ATMCD on its own merits.

13. Rights and contentions of the parties are left open.

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

MINI PUSHKARNA, J

SEPTEMBER 22, 2025/KR