



2026:DHC:5937



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23rd July, 2026

+ CONT.CAS(C) 781/2026

SARVAN KUMAR SHARMA & ORS.Petitioners

Through: Ms. Pallavi Vashist, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH SH
SANJEEV KHIRWAR DEPUTY COMMISSIONER & ANR.

.....Respondents

Through: Ms. Vidhi Jain with Mr. Riddhiman
Jain, Advocates for MCD.

(M): 9654454567

Email: vidhijainoffice@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present petition has been filed alleging wilful and deliberate disobedience of the order dated 16th September, 2025, passed by this Court in *W.P. (C) no. 14307/2025*, titled as *Sarvan Kumar Sharma & Ors. Versus Municipal Corporation of Delhi & Anr.*

2. By way of the aforesaid order dated 16th September, 2025, this Court had recorded the statement on behalf of the Municipal Corporation of Delhi ("MCD") that pursuant to the demolition order *qua* the illegal and unauthorised construction at the common terrace of flat nos. 317, 318, 319 and 310, above flat no. 320, *GH-13, Paschim Vihar, New Delhi*, requisite action against the unauthorized construction, will be taken.



3. The present petition has been filed in view of the fact that no such action for demolition of the unauthorised construction, in the aforesaid premises, has yet been taken by the MCD.

4. *Per contra*, learned counsel appearing for the respondent-MCD submits that the demolition order dated 09th May, 2025, passed by the MCD *qua* the premises in question, already stands set aside by the Appellate Tribunal, Municipal Corporation of Delhi (“ATMCD”) *vide* order dated 21st November, 2025.

5. She has handed over to this Court a copy of order dated 21st November, 2025, passed by the ATMCD, which reads as under:

A.No. 677/25
Sujit Kumar Behera Vs. MCD

21.11.2025

Present : Ms. Deepmala Kumari, Ld counsel for the appellant.
None for the respondent.

Submissions heard. File perused.

The impugned demolition order is dated 09.05.2025 issued in pursuance of show cause notice dated 25.04.2025, vide which 15 days time was given to the appellant to reply the show cause notice. The demolition order was passed on the 14th day of the show cause notice without waiting for expiry of 15 days or the reply of the appellant. No opportunity was given to the appellant to put his case before the Quasi Judicial Authority which is in violation of principal of natural justice.

In these facts, the demolition order dated 09.05.2025 is set aside with directions to the respondents to pass a speaking order after giving an opportunity of filing reply as well as after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 17.12.2025 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

The appeal stands disposed of.

...contd.



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Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
21.11.2025

6. Perusal of the aforesaid order shows that after setting aside of the demolition order passed by the MCD, the matter was referred back to the MCD for passing of a speaking order.
7. This Court notes the submission made by learned counsel appearing for respondent MCD that after the matter was remanded back to the MCD, hearing in the matter, is still in progress.
8. Accordingly, the MCD is directed to complete the hearing of the proceedings, expeditiously, and pass a speaking order thereto.
9. Requisite action shall be taken by the respondent no.1/MCD, subject to the speaking order passed by them.
10. Needless to state, in case, the petitioners are aggrieved by any non-action on behalf of the MCD, the petitioners shall be at liberty to revive the present petition.
11. Noting the aforesaid, the present petition is accordingly, disposed of.

MINI PUSHKARNA, J

JULY 23, 2026

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