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

% **Date of Decision: 26th September, 2025**

+ W.P.(C) 15063/2025, CM APPL. 62008/2025 & CM APPL. 62009/2025

ASHISH SHARMA

.....Petitioner

Through: Mr. Neeraj Yadav, Ms. Aakriti Chaudhary, Mr. Anitesh Chandra, Advocates

versus

MCD & ANR.

.....Respondents

Through: Mr. Yash Aggarwal, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral)

1. The present writ petition has been filed seeking quashing/setting aside the impugned Vacation Notice dated 09th September, 2025, passed by the Office of Executive Engineer (Building-I), Civil Lines Zone, Municipal Corporation of Delhi ("MCD"), whereby, the respondent-MCD has asked the petitioner herein to vacate the premises bearing property *No. 1826, Outram Lines, Kingsway camp, Delhi – 110009*, so as to carry out demolition action.
2. There is further prayer for directions to the respondents to not take any coercive steps against the petitioner herein, with respect to the property in question.
3. Learned counsel for the petitioner submits that the petitioner had purchased the land measuring 160 sq. yards of the property in question in



the year 2022 and has been living therein, since then.

4. It is further submitted that the petitioner, received a summon dated 12th February, 2024, issued by the Court of Senior Civil Judge, North, RHC in a suit bearing *No. SCJ/141/2024*, titled as, “*Sanjay Arora Versus Ashish Sharma*”, through which the petitioner was directed to appear before the said Court on 18th May, 2024.

5. Thereafter, the petitioner got to know that the suit has been filed against the petitioner and the MCD Officials, by one Mr. Sanjay Arora, residing on the ground floor of the same building alleging violation of rules and regulation of the MCD in construction of the property in question.

6. Learned counsel for the petitioner submits that at the time of purchase of the property in question by the petitioner on 22nd September, 2022, the construction on the third floor of the property already existed. Further, the petitioner has not carried out any fresh construction and has only carried out certain repair and maintenance work in the property in question for making it suitable for the residential use.

7. Learned counsel for the petitioner further submits that the petitioner visited the Office of MCD and also made inquiry about the status of the already existing construction on the third floor of the property in question. Additionally, the officials of the MCD apprised the petitioner that even though no Sanctioned Building Plan for the said existing structure was issued by the MCD, however, the said structure is within the permissible limit of regularization, as it is approved by the MCD. Therefore, the said structure can be regularized, on an application made by the petitioner to the concerned office of the MCD.

8. It is submitted that the petitioner, thereafter, on 17th May, 2024, filed



an application for regularisation of the above said structure, i.e., third floor portion of the property in question to the MCD and that the said regularization application is pending before the MCD.

9. It is further submitted that on 09th September, 2025, the officials of the MCD as well as respondent no. 2, without any intimation and notice, visited the property in question and carried out the demolition of some part of the property in question and also disconnected the electricity connection on the third floor portion of the property in question.

10. Learned counsel appearing for the petitioner submits that the petitioner has already filed an appeal bearing *No. 630/25* before the Appellate Tribunal MCD (“ATMCD”) against the Vacation and Demolition Order dated 09th September, 2025, which is next listed for hearing on 31st October, 2025.

11. This Court is informed that the present writ petition has been filed before this Court only on account of the fact that, at present, there is no Presiding Officer in the ATMCD.

12. Responding to the present petition, learned counsel appearing for the MCD submits that requisite action in the property in question is being taken in accordance with law.

13. 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 ATMCD.

14. It is clarified that, in case, there is no Presiding Officer in the ATMCD even by the next date of hearing, the protection granted today, shall extend to any next date, which is given by the ATMCD.



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15. 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.

16. 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.

17. Considering the fact that this Court has already granted an interim protection to the petitioner so that the appeal before the ATMCD is heard, it is directed that, in the meanwhile, till the action is actually taken by the MCD, the electricity connection in the petitioner's property be restored by respondent no. 2.

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

MINI PUSHKARNA, J

SEPTEMBER 26, 2025/h