



2025:DHC:8782



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 26th September, 2025**

+ W.P.(C) 15176/2025, CM APPL. 62237 /2025 & CM APPL. 62238/2025

TANPREET KAUR

.....Petitioner

Through: Mr. Aman Durga and Ms. Aditi Goel,
Advs.

Mob: 9560419568

Email: kartavyalawfirm@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Dheeraj Singh, Mr. Tushar
Jaiswal and Ms. Deepali Verma,
Advs.

Mob: 8447716965

Email: ds322046@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral)**

1. The present writ petition has been filed seeking directions to quash/set aside the Demolition Order dated 10th September, 2025, passed by respondent-Municipal Corporation of Delhi ("MCD") against petitioner's property, admeasuring 150 sq. yds., bearing *No. BF-19, Upper Second Floor, Jail Road, Janakpuri, New Delhi-110058*.
2. Learned counsel for the petitioner submits that the MCD had issued a Show Cause Notice dated 18th August, 2025 to the petitioner under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), which was received by the petitioner on 25th August, 2025, in respect of



alleged unauthorized construction on petitioner's property bearing *No. BF-19, Jail Road, Janakpuri, Delhi-110058*.

3. He further submits that the MCD did not conduct any inspection of the property in question in order to ascertain the nature and extent of the alleged deviations, nor to determine whether such deviations, if any, fell beyond the permissible compoundable limits under law.

4. Learned counsel for the petitioner submits that, in response thereto, the petitioner submitted a representation dated 08th September, 2025, stating that the building in question has been constructed strictly in accordance with the Sanctioned Building Plan and that the petitioner was getting the premises checked by an architect. In the event, any deviation from the Sanctioned Building Plan is found to exist, the petitioner would file for regularization of the same.

5. It is submitted that, however, without considering the aforesaid representation of the petitioner, the MCD proceeded to pass a Demolition Order dated 10th September, 2025.

6. He further submits that the said Demolition Order is *ex-facie* illegal and arbitrary, as no inspection of the property in question was ever conducted before passing the Show Cause Notice, or the Demolition Order. Furthermore, the Demolition Order has been passed without affording the petitioner due opportunity of being heard, and therefore, is in violation of the Principles of Natural Justice.

7. Learned counsel appearing for the petitioner submits that the present writ petition has been filed only on account of the fact that currently, there is no Presiding Officer in the Appellate Tribunal MCD ("ATMCD") and that the present petition has been filed only for a limited relief, i.e., to seek



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interim protection to enable the petitioner to file an appropriate appeal before the ATMCD.

8. Accordingly, in order to allow the petitioner to file an appeal before the ATMCD within three weeks, it is directed that no coercive action shall be taken against the property of the petitioner for a period of three weeks, from today.

9. This Court is informed that there is no Presiding Officer in the ATMCD, for the time being. Thus, in case, at the time of filing of the appeal, there is no Presiding Officer in the ATMCD, the protection granted by today's order shall automatically extend to any next date, which is given by the ATMCD.

10. However, in case, the petitioner does not file the appeal before the ATMCD within the requisite time, the protection granted by today's order, shall automatically lapse.

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

12. Needless to state, the rights and contentions of the parties are left open.

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

MINI PUSHKARNA, J

SEPTEMBER 26, 2025/SK