



2025:DHC:7520



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

% **Date of Decision: 27.08.2025**

+ W.P.(C) 12791/2025

LAXMI NARAIN YADAV

.....Petitioner

Through: Ms. Parul Agarwal, Adv.
Mob: 9873416566
Email: advparulgoel@mail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Payal, Adv. for R-MCD
(Through VC)
Mob: 9996414890

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

1. The present writ petition has been filed praying for directions to the respondent-Municipal Corporation of Delhi ("MCD"), not to execute the Demolition Orders dated 23rd December, 2024 and 19th May, 2025, and the Sealing Order dated 28th January, 2025.
2. It is the case of the petitioner that the Demolition Order dated 19th May, 2025, has already been challenged by the petitioner before the Appellate Tribunal MCD ("ATMCD"). Since, there is no Presiding Officer in the ATMCD, the present writ petition has been filed for limited protection to the petitioner, till the hearing is conducted by the ATMCD.
3. When the matter was listed for hearing on 22nd August, 2025, the



following directions came to be passed:

“xxx xxx xxx

3. *Per contra*, learned counsel appearing for the MCD submits that in the present case two demolition orders have been passed. She draws the attention of this Court to the first demolition order dated 23rd December, 2024, wherein, the demolition order was passed with respect to the stilt and ground floor of the property, and with respect to raising of columns on the first floor.

4. She submits that against the said demolition order dated 23rd December, 2024, an appeal has already been filed by the petitioner herein in the month of January/February 2025. She submits that no stay has been granted by the learned ATMCD.

5. She further draws the attention of this Court to the second demolition order dated 19th May, 2025, which has been issued with respect to first floor, second floor, third floor and fourth floor of the property in question, to thus, submit that after passing of the earlier demolition order dated 23rd December, 2024, the petitioner herein has carried out further unauthorized construction, on account of which second demolition order dated 19th May, 2025 has been issued.

6. She, thus, submits that there is no occasion for this Court to grant any protection in favour of the petitioner.

7. During the course of hearing, learned counsel appearing for the petitioner submitted that there was a statement made by counsel for the MCD before the ATMCD that no coercive action shall be taken against the property of the petitioner, till the next date of hearing. She, thus, claims protection on that basis.

8. On a pointed query, this Court noted that neither the said orders are on record, nor have the same been produced before this Court.

9. Accordingly, learned counsel appearing for the petitioner sought Passover to bring the said documents before this Court.

10. However, after Passover, none appears for the petitioner.

11. Accordingly, re-notify on 27th August, 2025.

xxx xxx xxx”

4. Today, learned counsel appearing for the petitioner has handed over copy of the orders passed by the ATMCD in *Appeal Nos. 498/2025 and 499/2025*, which are taken on record.

5. Perusal of the order dated 01st May, 2025, passed in *Appeal No.*



268/2025, shows that the MCD had submitted that they will not take any coercive action against the property in question, till the next date of hearing.

6. The aforesaid statement/undertaking given on behalf of MCD on 01st May, 2025 was continued *vide* order dated 07th May, 2025, till 16th May, 2025. Since on 16th May, 2025, the petitioner herein had sought adjournment before the ATMCD, learned counsel appearing for the MCD had stated that he shall not continue the undertaking. Subsequently, the matter was listed for 28th July, 2025, wherein, the matter was taken up with respect to an application filed before the ATMCD. Thus, subsequently, the stay application of the petitioner herein could not be taken up by the learned ATMCD, on account of the fact that there is no Presiding Officer in the ATMCD.

7. This Court is informed that the appeals filed by the petitioner before the ATMCD are listed on 29th August, 2025 and 08th September, 2025, respectively.

8. Considering the submissions made before this Court, it is directed that no coercive action shall be taken against the property of the petitioner, pursuant to the aforesaid demolition and sealing order, till the appeals of the petitioner are taken up for hearing, before the ATMCD.

9. It is further directed that, in case, on the next date of hearing also, there is no Presiding Officer in the ATMCD, the protection by today's order shall automatically extend to the next date of hearing before the ATMCD.

10. However, it is directed that in case, in the meanwhile the new Presiding Officer of the ATMCD takes charge, the petitioner within two weeks of the Presiding Officer taking charge, shall file an application for taking up his appeals before the ATMCD.



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11. It is clarified that this Court has not expressed any opinion on the merits of the case.
12. All the rights and contentions of the parties are left open, which shall be decided in the proceedings before the ATMCD. Thus, the ATMCD shall decide the appeals on their own merits.
13. It is clarified that the limited protection has been granted by this Court only with a view that the petitioner is granted hearing before the ATMCD.
14. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 27, 2025/SK