



2025:DHC:7527



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

% **Date of Decision: 29.08.2025**

+ **W.P.(C) 13191/2025 & CM APPL. 54090/2025**

**MEENA RANA**

.....Petitioner

Through: Mr. Junhai Prabhakar, Adv.  
Mob: 9582242743  
Email: [junhai\\_prabhakar@yahoo.in](mailto:junhai_prabhakar@yahoo.in)

versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr. Harshit Chopra, Adv. for R-  
1/MCD  
Mob: 9911543883  
Email: [advharshitchopra@gmail.com](mailto:advharshitchopra@gmail.com)

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

1. The present writ petition has been filed seeking directions for quashing of the Vacation Notice, issued by the Municipal Corporation of Delhi ("MCD") dated 12<sup>th</sup> August, 2025, till the appeal filed on behalf of the petitioner before the Appellate Tribunal MCD ("ATMCD"), i.e., *Appeal No. 593/2025*, is heard by the ATMCD.
2. Learned counsel appearing for the petitioner submits that the petitioner is the occupant/owner of the property bearing No. *JE-20, Fourth Floor, Left Side (Front Portion), Khirki Extension, Malviya Nagar, New Delhi-110017*, *ad measuring 60 sq. yds.*



3. It is submitted that the property in question was constructed in the year 2004, as per the Building Bye-Laws and has been fully occupied and inhabited since then. Further, the petitioner had carried out some repair and renovation work, on account of which a civil suit was filed in the District Court Saket, i.e., *SC (SJ) No. 84869/2017*, which is still pending.
4. It is submitted that the portion which was claimed to be illegal was demolished in the year 2017, and since then the petitioner has been maintaining *status quo* with respect to the property in question.
5. It is further submitted that the present writ petition has been filed with limited prayer that protection be granted to the petitioner, till the appeal is heard by ATMCD as the office of the Presiding Officer of ATMCD is currently vacant.
6. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD.
7. Learned counsel appearing for the respondent-MCD submits that the Demolition Order with respect to the unauthorized construction existing in the property in question was passed on 28<sup>th</sup> March, 2023.
8. He submits that against the aforesaid order, an appeal was filed by the petitioner herein, before the ATMCD, however, the said appeal was not pursued by the petitioner and thereby the same has dismissed in default on 02<sup>nd</sup> January, 2024.
9. He submits that since the MCD initiated further action against the unauthorized construction in question, the Vacation Notice dated 12<sup>th</sup> August, 2025 was issued. It is only after receipt of the aforesaid Vacation Notice that the petitioner has filed a fresh appeal before the ATMCD.
10. He further submits that demolition action was also undertaken against



the property of the petitioner on an earlier occasion.

11. Having heard learned counsels for the parties and considering the submissions made before this Court, this Court notes that the petitioner had filed an appeal before the ATMCD, which has not been taken up for hearing, on account of the fact that, currently, there is no Presiding Officer present in the ATMCD.

12. This Court is of the view that the appeal of the petitioner ought to be heard by the ATMCD.

13. Considering the fact that currently there is no Presiding Officer in the ATMCD, it is directed that no coercive action shall be taken against the property in question, till the matter is heard by the ATMCD.

14. Further, in case, the Presiding Officer of the ATMCD does not take charge even on the next date of hearing when the appeal of the petitioner is listed before the ATMCD, the protection granted today shall extend automatically to the next date, which is given by the ATMCD.

15. However, in case, the Presiding Officer of the ATMCD takes charge in the meanwhile, it is directed that the petitioner shall file an appropriate application before the ATMCD, within a period of two weeks of the Presiding Officer of the ATMCD assuming charge, for taking up her appeal.

16. It is clarified that this Court has not expressed any opinion on the merits of the case.

17. Rights and contentions of all the parties are left open, and are to be decided in the appropriate proceedings.

18. The present order is being passed only with a view to allow an opportunity to the petitioner to argue their appeal before the ATMCD.

19. The protection is granted to the petitioner till the matter is heard by



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the ATMCD.

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

**MINI PUSHKARNA, J**

**AUGUST 29, 2025/SK**