



2025:DHC:8832



\$~94

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

%

Date of Decision: 06.10.2025

+ **CM(M) 1927/2025, CM APPL. 62426/2025 & 62425/2025**

ZAFARUDDIN KHAN FAIZAN

.....Petitioner

Through: Mr. Bahar U. Barqi and Mr. Maroof
Ahmad, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS. & ANR.

.....Respondents

Through: Ms. Shilpa Dewan, Advocate.

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. Petitioner has approached this Court, invoking jurisdiction under Article 227 of the Constitution of India because the Appellate Tribunal, MCD is currently not functional and is awaiting appointment of a Presiding Officer.

2. It is contended on behalf of petitioner that in case his appeal is not heard, the subject property may be demolished by the respondent MCD. It appears that the appeal filed by the petitioner was listed on 17.09.2025 but since the Tribunal is lying vacant, the appeal was adjourned by the Reader of the Tribunal to 29.10.2025.

3. Similar to few other petitions of the same nature, learned counsel for



2025:DHC:8832



respondent MCD appearing on advance intimation submits that without their respective rights and contentions, no precipitative action shall be taken by the respondent MCD against the subject property till the stay application in appeal of the petitioner is heard by the Appellate Tribunal, MCD.

4. It appears that the present petitioner filed an appeal before the Appellate Tribunal, MCD, which came up for first hearing on 08.05.2025, after which the appeal was adjourned by the learned Presiding Officer on two more dates and finally the matter was posted on 11.08.2025, but by that day, term of the then Presiding Officer expired so Reader of Appellate Tribunal, MCD adjourned the matter to 20.08.2025, after which the matter was relisted on 17.09.2025 by Reader.

5. In view of the above assurance advanced on behalf of respondent MCD, learned counsel for petitioner submits that the petition may be disposed of.

6. Accordingly, the petition and the accompanying applications stand disposed of. It is made clear that merits of the case have not been tested by this Court and the protection has been granted only on the assurance of the MCD because currently there is no judicial officer presiding over the Appellate Tribunal, MCD.

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 6, 2025/as