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

% *Date of Decision: 27th June, 2025*

+ W.P.(C) 8561/2025 & CM APPL. 37018-37019/2025

HARCHARAN SINGH YADAVPetitioner

Through: Mr. Gaurav D with Mr. Naveen Kmar,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondent

Through: Mr. Abhinav Singh, ASC for MCD.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. MCD passed an order of demolition under Section 343 of DMC Act, 1957 with respect to the property of the petitioner.
2. The abovesaid demolition order has been challenged by the petitioner by filing an Appeal before the learned Appellate Tribunal, MCD, Delhi and his such appeal has been registered as Appeal No. 385/2025.
3. In the meanwhile, based on the direction passed by Coordinate Bench of this Court in W.P.(C) 2834/2025 on 06.03.2025, in relation to one civil suit pending before the Court of learned JSCC /ASCJ, Patiala House Court, New Delhi, learned Civil Judge, directed that the abovesaid directions given by this Court on 06.03.2025 may be complied with.
4. The abovesaid directions also pertain to the same very premises.
5. The earlier order passed by learned Presiding Officer, Appellate Tribunal, MCD indicates that the appeal was taken on record on 09.06.2025 and it has now been fixed for arguments on interim application on 25.07.2025.
6. Learned counsel for the petitioner submits that since he has already



invoked the jurisdiction of Appellate Tribunal and is aggrieved by the demolition order in question, MCD should not take any further precipitative step till the disposal of the abovesaid Appeal or for that matter till the disposal or as per the outcome of its application seeking interim relief.

7. It is also apprised that on account of ongoing summer break, the abovesaid Tribunal is not functional.

8. In view of the peculiar facts and the circumstances of the case and the fact that the concerned Tribunal, which is seized of the Appeal of the petitioner herein, is not functional on account of summer vacation, the present petition is disposed of with direction that no precipitative step, with respect to demolition of the property in question, be taken till 25.07.2025.

9. Needless to emphasize, this Court has not made any observation with respect to the merits of the case as such and the abovesaid order has been passed merely for the reason that the Tribunal is not presently functional.

10. Petition stands disposed of in aforesaid terms.

11. Pending applications also stand disposed of.

12. Order *Dasti* under the signatures of the Court Master.

MANOJ JAIN, J
(VACATION JUDGE)

JUNE 27, 2025/sw/JS