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

+ **W.P.(C) 3721/2025 & CM APPLs. 17346/2025 & 17347/2025**

JAGDISH LAL

.....Petitioner

Through: Ms. Neha Gund, Mr. Ayush Rathore,
Mr. Shubham Jain, Advocates
(M:9958574113)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms. Harita Mehta, SC-MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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25.03.2025

CM APPL. 17347/2025 (For Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 3721/2025 & CM APPL. 17346/2025

3. The present writ petition has been filed for stay of demolition order dated 11th December, 2023, issued by the respondent no. 1, in respect of the petitioner's property situated at the *front side of E-50, Tagore Garden Extension, New Delhi-110027*, till the pendency of the appeal before the Appellate Tribunal, Municipal Corporation of Delhi ("MCD").
4. Learned counsel for the petitioner submits that the petitioner is a senior citizen and residing at the front side of the property in question, which measures 40 square yards, consisting of ground floor and first floor.
5. It is submitted that on 24th February, 2025, the petitioner had also



applied for regularization of the site plan of the property in question.

6. It is submitted that partial demolition action has been taken by the MCD on 26th February, 2025, and that there is an apprehension of further demolition action by the MCD. It is submitted that the petitioner, being aggrieved by the Speaking Order dated 11th December, 2023, has already filed an appeal before the Appellate Tribunal MCD, under Section 347 of the DMC Act.

7. It is submitted that an application for stay has also been filed by the petitioner, which is next listed before the Appellate Tribunal MCD, on 15th April, 2025.

8. Issue notice. Notice is accepted by learned counsel for the respondent/MCD, who submits that construction in the property in question, cannot be regularized. However, she admits to the fact that application of the petitioner, is pending before the Appellate Tribunal, MCD.

9. Considering the submissions made before this Court and without going into the merits of the case, the MCD shall not take any further action against the property in question, till the pendency of the appeal before the Appellate Tribunal, MCD. The Appellate Tribunal, MCD is directed to dispose of the appeal of the petitioner herein expeditiously, preferably, within an outer limit of four months from today.

10. It is clarified that this Court has not expressed any opinion on the merits of the case of the petitioner, which shall be decided by the Appellate Tribunal, MCD, on its own merit, as per law.

11. This Court also records the undertaking of learned counsel for the petitioner that the petitioner shall remove the non-compoundable areas of the construction, in terms of the directions issued by the MCD.



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

MARCH 25, 2025

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MINI PUSHKARNA, J