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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 17th April, 2025***

+ CM(M) 687/2025, CM APPL. 22246/2025 & CM APPL. 22247/2025

MOHD IQBAL & ORS.

.....Petitioners

Through: Mr. Vinod Kumar Mantoo with
Mr. Hem Kumar and Ms. Nupur
Montoo, Advocates with petitioner
No.1 in person.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Ashutosh Gupta, ASC with
Mr. Arman Monga, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners have filed an appeal before learned Appellate Tribunal, MCD. It has been registered as A.No.195/2025.
2. When the abovesaid appeal was taken up by learned Tribunal on 04.04.2025, the request of the appellants to grant *ex-parte* stay was refused and the matter was fixed up for 20.05.2025 for arguments on stay and interim application(s) as well as on appeal.
3. Such order is under challenge.
4. According to learned counsel for the petitioners herein, learned Tribunal has placed strong reliance upon one communication sent by the petitioner on 10.03.2025. In the impugned order, while referring to the abovesaid letter, the learned Tribunal has come to the conclusion that the petitioners, themselves, have admitted that they had completely demolished the entire old structure and had erected a new structure. It



noted that since there was complete new reconstruction, there should have been a sanctioned building plan but the appellants have rather taken a contrary stand by submitting that they had not gone for complete reconstruction of the building and they had only done the repair with respect to those aspects for which the building in question had earlier been claimed to be dangerous and unsafe.

5. Learned counsel for the petitioners has, now, brought to the knowledge of this Court one recent order passed by learned Coordinate Bench of this Court.

6. Reference be made to order dated 15.04.2025 passed in W.P.(C) 4642/2025.

7. The abovesaid petition had been filed by *Smt. Iram and Anr.* whereby they were seeking directions to MCD for sealing and demolishing the unauthorized construction made in the same property i.e. *property bearing No.810, measuring 272 sq. yds., ward No.XI situated at Gali Ahmed Shah, Haveli Azam Khan, Bazar Chitli Qabar, Jama Masjid, Delhi-110006.*

8. Learned counsel for the petitioners submits that as per above order MCD has been directed to take action against the unauthorized construction within a period of six weeks and, simultaneously, it has also been observed that if private respondents are aggrieved by the demolition order passed by MCD or, for that matter, any action of MCD, they are at liberty to seek their remedies, in accordance with law.

9. It is submitted that with respect to the same very property, MCD has issued demolition order on 10.03.2025 and if the building is



permitted to be demolished, without deciding the abovesaid appeal, his appeal would become, virtually, infructuous.

10. It in the abovesaid peculiar background that it has been prayed that the petitioners may be protected till the next date of hearing before learned Tribunal while also assuring that the petitioners herein would advance arguments before learned Tribunal on the next date and would not seek any adjournment.

11. In view of the above, the present petition is disposed of with direction that the learned Tribunal shall take up the abovesaid appeal on the date fixed i.e. 20.05.2025 and would endeavour to expedite the disposal of said appeal. In the interregnum, the demolition shall remain stayed.

12. The petition stands disposed of in aforesaid terms.

13. Pending applications, if any, also stand disposed of in aforesaid terms.

14. Copy of the order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

APRIL 17, 2025
st/js