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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 737/2025 CM APPL. 27926/2025**

MAHIMA TANWAR

.....Petitioner

Through: Mr. Narender Singh Sharma, Adv.

versus

ASHWANI KUMAR & ORS.

.....Respondent

Through: Ms. Namrata Mukim, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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08.05.2025

CONT.CAS(C) 737/2025

1. This petition has been filed alleging wilful disobedience of order dated 28th July 2020 passed by this Court in **W.P.(C) 11649/2019**. The relevant parts of the order are as under:



5. This application seeks preponement of the case and grant of stay against further demolition of the property apropos which the Corporation had issued notices for unauthorized construction and part demolition was carried out on 31.12.2019. It is the applicant's case that the impugned order dated 26.10.2019 is erroneous both on facts and in law; that he ought to be heard before any further demolition is carried out otherwise, he will suffer irreparable prejudice. His interim application before the learned Appellate Tribunal MCD is yet to be heard. His appeal was listed on 26.02.2020 and 19.03.2020 before the Tribunal. However, since the Corporation had not filed its reply before the learned Tribunal the appeal/his interim application could not proceed. The learned Standing Counsel for the Corporation submits that the reply could not be filed partly because of one lapse of date and thereafter the nationwide pandemic lockdown had virtually suspended all regular activity. Furthermore, the Tribunal itself has been non-functional for some time.
6. However, the Court is informed that the learned Tribunal has now resumed hearing of urgent matters. In view of the above, the applicant seeks to pursue his remedies before the said statutory forum.
7. It will be open to the applicant to request the learned Tribunal to take up his application for interim relief on an urgent basis, as the next scheduled date for demolition is 6th August 2020.
8. In the circumstances, till the applicant's application for interim relief is taken up for hearing, the demolition action planned for 6th August 2020, will not be executed. The applicant undertakes to at least move the application before the learned ATMCD for interim relief by this



week itself, failing which the Corporation will be free to take measures as per law.

9. Since the issue is being examined before the statutory forum, this writ petition would no longer be maintainable. The petitioner shall be kept informed by the Corporation, about the progress of the case before the learned ATMCD.

10. The learned counsel for the applicant/owner/occupier submits that the applicant is not carrying out any construction activity.

2. It is noted by Ms. Namrata Mukim, Counsel for the MCD that the stay order was passed by the Patiala House Courts in **CS No.755/2023** on 08th June 2023, which has since continued, by recent order dated 26th April 2025.

3. As regards the plea before the ATMCD, of respondent No.3, it is informed by the counsel for the petitioner that the same has been withdrawn with liberty to apply for regularization, as per law, by order dated 27th February 2023.

4. Considering that there is a stay passed in the civil suit, the petition is disposed of, at this stage, with liberty to the petitioner to reapply, in case there is no adverse order regarding the issue of demolition.

5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 8, 2025/MK/kp