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

+ W.P.(C) 6225/2025, CM APPL. 28442/2025 & CM APPL. 28443/2025

NITIN SAXENA & ANR.

.....Petitioners

Through:

Mr. Vivek Chib, Sr. Adv. with Ms. Madhu Sudan, Mr. Vikhyat Oberoi, Mr. Ankit Kakkar, Ms. Shreya vedantika mehra, Ms. Mansi Gupta, Mr. Siddharth Sunil, Mr. Shivam Prakash, Mr. Fazal Haroon, Mr. Ravi Sharma, Ms. Nishita Gupta, Advocates (M:7004308451)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through:

Mr. Ashutosh Gupta, ASC with Mr. Arman Monga, Advocate for MCD Mr. Abhimanyu Bhandari, Sr. Adv. with Mr. Raghuveer Kapur, Mr. Sagar Aggarwal, Advocates for Intervenor Mr. Cheitanya Madan, Mr. Vikram Singh Nyal, Mr. Sahil Kiroriwal, Mr. Azam Khan, Mr. Ashwani Dwivedi, Mr. Shashi Kant, Advocates for Mr. Amit Saxena (M:8588939380)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.05.2025

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1. The present writ petition has been filed seeking quashing of the Demolition Order dated 15th April, 2025, issued by respondent/Municipal Corporation of Delhi ("MCD"), pertaining to *Plot nos. GC-32 and GC-33, G-Block, Hari Nagar, near Santoshi Mata Mandir, New Delhi.*

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2. There is a further prayer for directions to respondent to withhold the special demolition programme planned on 13th May, 2025 for *Plot nos. GC-32 and GC-33, G-Block, Hari Nagar, near Santoshi Mata Mandir, New Delhi.*
3. Attention of this Court is drawn to the order dated 05th May, 2025, passed in *W.P.(C) 5933/2025*, titled as “*Nitin Saxena Versus The Commissioner, Municipal Corporation of Delhi and Anr.*”
4. It is submitted that the impugned Demolition Order dated 15th April, 2025, was handed over to the petitioners only during the course of the hearing of the aforesaid writ petition.
5. Learned Senior Counsel for the petitioner submits that the impugned Demolition Order was passed without granting any personal hearing to the petitioners, and has been passed against the Principles of Natural Justice.
6. He submits that the contention of the petitioner that the property of the petitioners is protected under the provisions of NCT of Delhi Laws (Special Provisions) Second Act, 2011, in view of the fact that the construction is prior to the year 2007, has not been dealt with by the MCD in any manner.
7. *Per contra*, learned counsel for the respondents, on advance notice, vehemently denies the aforesaid submission.
8. He, at the outset, submits that the special demolition drive, which is fixed for 13th May, 2025, is pertaining to the private bridge that has been constructed between the aforesaid plots, i.e., *Plot nos. GC-32 and GC-33, G-Block, Hari Nagar, near Santoshi Mata Mandir, New Delhi.*
9. He further submits that after submitting the reply to the Show Cause Notice dated 17th March, 2025, the petitioners kept on taking dates and did



not appear before the concerned officials of the MCD, for the purpose of personal hearing.

10. He further submits that though a submission was made by the petitioners in his reply that construction in the property is protected, being prior to the year 2007, however, no such document in support therein, has been filed before the MCD.

11. This Court notes that the present petition has been filed challenging the Demolition Order dated 15th April, 2025, *qua* which, this Court has already granted liberty to the petitioners to approach the learned Appellate Tribunal, MCD (“ATMCD”) *vide* order dated 05th May, 2025 passed in W.P.(C) 5933/2025. Therefore, this Court sees no reason to entertain the present petition, when a categorical liberty has already been granted to the petitioners, in this regard.

12. At this stage, learned Senior Counsel for the petitioner submits that the petitioners are ready to approach the ATMCD, provided the petitioners are granted three weeks’ time for the said purpose.

13. Considering the submissions made before this Court, it is directed that the petitioners shall approach the learned ATMCD, and shall raise all the contentions before the learned ATMCD.

14. In order to allow the petitioners to approach the ATMCD, it is directed that no coercive action *qua* the properties of the petitioners, i.e., Plot nos. GC-32 and GC-33, G-Block, Hari Nagar, near Santoshi Mata Mandir, New Delhi, shall be taken by the MCD, for a period of three weeks.

15. However, it is clarified that MCD shall proceed to take action against the private bridge existing between the Plot nos. GC-32 and GC-33, G-Block, Hari Nagar, near Santoshi Mata Mandir, New Delhi, in terms of the



orders, already passed by this Court.

16. Learned counsel for MCD submits that the action with regard thereto, could not be taken on 05th May, 2025, the date earlier fixed for such action, as the local Police did not provide any police force to the MCD.

17. This Court notes that it is a very serious matter, as when the action is fixed by the MCD against an unauthorized construction, the local Police officials are expected to give their full support and cooperation to the MCD.

18. Accordingly, it is directed that Station House Officer (“SHO”), of the local police station, Hari Nagar, shall be personally responsible for granting police force to the MCD, with regard to the action which is sought to be taken by the MCD, in respect of the private bridge existing between the properties in question, in its special demolition drive scheduled on 13th May, 2025.

19. It is clarified that this Court has not expressed any opinion as regards title of the properties, in question.

20. Noting the aforesaid, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MAY 9, 2025/au