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

+ **W.P.(C) 6402/2025 & CM APPL. 29207/2025**

UJJAWALA PANDYA & ANR.

.....Petitioners

Through: Mr. O. P. Gupta and Ms. Megha
Gupta, Advocates

versus

MUNICIPAL COMMISSIONER OF DELHI

.....Respondent

Through: Mr. Vikas Chopra, SC with Mr.
Neeraj Kumar, Advocate
M:9250925371
E-mail:chopraand
company@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **14.05.2025**

1. The present writ petition has been filed with the prayer to quash and set aside the order dated 29th April, 2025, passed by the office of the Executive Engineer (BLDG.)-1, Municipal Corporation of Delhi ("MCD"), under Section 349 of the Delhi Municipal Corporation Act, 1957 ("DMC Act, 1957"), in relation to the property bearing No. *EB-152, Maya Enclave, Hari Nagar, New Delhi*, with respect to first and second floor of the property in question.

2. Learned counsel appearing for the petitioners submits that only renovation work was carried out by the petitioners, and no unauthorized construction was carried out.



3. *Per contra*, learned counsel appearing for the MCD submits that the requisite action is sought to be taken by the MCD, pursuant to the Demolition Order passed by the MCD. He submits that the requisite Show Cause Notices were issued and due process of law was followed, before passing of the Demolition Order. He further submits the petitioners ought to approach the learned Appellate Tribunal: MCD (“ATMCD”).
4. At this stage, learned counsel appearing for the petitioners submits that he shall approach the ATMCD. However, during the period when the petitioners approach the ATMCD, some protection ought to be granted to the petitioners.
5. Responding to the same, learned counsel appearing for the respondent/MCD submits that the MCD shall not take any action against the petitioners for a period of 10 days, in order to enable the petitioners to approach the ATMCD.
6. Learned counsel appearing for the respondent further submits that part action has already been taken in the property, on 19th May, 2023.
7. Accordingly, noting the aforesaid statement made by the learned counsel appearing for the respondent/MCD, it is directed that the petitioners shall approach the Appellate Tribunal: MCD for challenging the Demolition Order passed by the MCD, including, the Vacation Notice dated 29th April, 2025, within a period of ten days, from today.
8. This Court further takes note of the submissions made by learned counsel appearing for the MCD that no action shall be taken against the petitioners, for a period of 10 days.
9. It is clarified that this Court has not expressed any opinion on the merits of the case and that rights and contentions of all the parties, are left



open, including, the issue of limitation in filing the appeal before the ATMCD.

10. With the aforesaid directions, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

MAY 14, 2025/akr