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

+ W.P.(C) 12308/2025, CM APPL. 50141/2025 & CM APPL. 50142/2025

JASBIR KAUR

.....Petitioner

Through: Mr. Tarun Kumar Makhija, Mr. Deepak, Ms. Muskan and Ms. Manisha, Advs. with petitioner in person

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Gaganmeet Singh Sachdeva, SC with Mr. Inderdeep Singh Ahluwalia, Adv. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

19.08.2025

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1. The present writ petition has been filed seeking directions to restrain the Municipal Corporation of Delhi ("MCD") from taking any coercive/demolition action, in terms of the impugned Demolition Order dated 23rd May, 2025, which is the subject matter of the *Appeal No. 367/2025*, pending before the Appellate Tribunal, MCD ("ATMCD").
2. Learned counsel appearing for the petitioner submits that the present petition pertains to unauthorized construction on the third floor of the property bearing *No. A-181/3, Fateh Nagar, Jail Road, Tilak Nagar, New Delhi*.
3. It is submitted that the petitioner has already filed an appeal before the



ATMCD, and *vide* order dated 09th June, 2025, the ATMCD has already granted interim protection in favour of the petitioner herein to the extent that the MCD will not carry out any demolition action against the property in question, till the next date of hearing.

4. It is submitted that thereafter, the matter was listed before the ATMCD on 28th July, 2025, and thereafter on 08th August, 2025. It is submitted that since the tenure of the earlier Presiding Officer has already ended, and a new Presiding Officer has not taken charge in the ATMCD, currently the ATMCD is not functional.

5. Thus, it is submitted that when the matter was listed for hearing on 08th August, 2025, the matter was simply adjourned to 09th October, 2025. Thus, the present writ petition has been filed.

6. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

7. Learned counsel appearing for the MCD submits that the MCD shall comply with the directions passed by this Court.

8. Having heard learned counsels appearing for the parties, this Court notes that the petitioner herein, has already challenged the impugned Demolition Order dated 23rd May, 2025, before the ATMCD *vide Appeal No. 367/2025*, and by order dated 09th June, 2025, ATMCD recorded the statement made on behalf of MCD that no coercive action shall be taken against the property of the petitioner, in the following manner:



ANNEXURE-Q
ATMCD ORDER DATED 09.06.2025

ANNEXURE-Q

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S.No.	Date	
	A.No. 367/25 09.06.2025	Before Sh. Abhilash Malhotra Appellate Tribunal M.C.D. Room No. 29, Tis Hazari Courts, Delhi Appeal No. 257/AT, M.C.D./2024 Order <i>Smt Jasbir Kaur vs MCD</i> Present : Sh. Tarun Kumar, Ld. counsel for appellant joined through VC with Ms. Manisha proxy counsel present in the Tribunal. Sh. Chetan Hasija, Ld counsel for the respondent along with Sh. N.K. Jha, AE(B). Status report is filed by the MCD, copy supplied. Ld. counsel for MCD seeks some time to file MCD record. Ld. counsel for the appellant submits that protection be granted till next date of hearing. Ld. counsel for respondent opposes the said request. He submits that the interim application be decided on merits. However, on instructions from the department he assures that the respondent MCD will not carry out any demolition action against the property in question till next date of hearing. Put up for further arguments on interim application seeking stay and appeal on 28.07.2025. Copy of order be given dasti. (ABHILASH MALHOTRA) Addl. District & Sessions Judge P.O.: Appellate Tribunal, MCD 09.06.2025 (J) Attested Registrar Appellate Tribunal M.C.D. Delhi

9. This Court further takes note of the order dated 28th July, 2025, passed by the ATMCD, wherein, the MCD brought attention of the ATMCD to the order dated 26th May, 2025, passed by this Court in CONT.CAS(C)



835/2025, directing MCD to take steps for demolition of the subject property herein.

10. This Court further takes note of the order dated 07th August, 2025, passed by this Court in *CONT.CAS(C)* 835/2025, wherein, the Court clarified that petition before the ATMCD shall be decided independently of the contempt petition. The relevant portion of the said order is reproduced as under:

“xxx xxx xxx

10. Vide order dated 10.02.2025, while disposing of the writ petition, the learned coordinate bench has already observed in para 5 and 6 that any action by the MCD will be in compliance of all the statutory provisions and keeping in view the judgment of the Hon’ble Supreme Court in In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291. It is further noted that the aforesaid order was without prejudice to the rights and contentions of the private respondents/respondents no. 3 to 6, which includes the present applicant/respondent no.3.

11. In view thereof, the present application is disposed of by observing that the petition before the MCD Appellate Tribunal shall be decided independent of the present petition on its own merit in accordance with law.

xxx xxx xxx”

(Emphasis Supplied)

11. Noting the aforesaid orders, this Court is of the opinion that any interim protection in favour of the petitioner herein, shall not be in conflict with the aforementioned orders.

12. Accordingly, considering the fact that the petitioner was granted interim protection by the ATMCD by recording the statement made on behalf of MCD, it is directed that the interim protection granted by the



ATMCD *vide* order dated 09th June, 2025 in the form of recording the statement of MCD that no demolition action shall be taken against the property of the petitioner till the next date of hearing, shall continue till the next date of hearing before the ATMCD, i.e., 09th October, 2025.

13. It is further clarified that, in case, on the next date of hearing, i.e., 09th October, 2025, the ATMCD is still not functional, and the next date is given, the interim order dated 09th June, 2025, as extended by this Court, shall automatically extend till the next date of hearing, till the matter is taken up by ATMCD.

14. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 19, 2025/KR