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

+ W.P.(C) 12345/2025 & CM APPL. 50324/2025, CM APPL. 50325/2025

ALIM KHAN

.....Petitioner

Through: Mr. Adit S. Pujari, Mr. Md. Imran Ahmad, Mr. R. Jude Rohit, Mr. Manvendra, Advocates (M: 9655612276)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Aarushi Tikku, ASC-MCD (M:9818931119)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.08.2025

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1. The present writ petition has been filed for restraining the respondent- Municipal Corporation of Delhi ("MCD") from carrying out any demolition action in respect of the petitioner's residential property bearing, *House No. 230A, Hauz Rani, Malviya Nagar, New Delhi*.
2. There is a further prayer for directing respondent to maintain a *status quo* with respect to the subject property, until the appeal of the petitioner, i.e., *Appeal No. 296/2023* pending before the learned Appellate Tribunal MCD ("ATMCD"), is heard and decided.
3. Learned counsel for the petitioner submits that in view of the vacancy in the ATMCD since 05th August, 2025, the petitioner's application for restoration of the appeal and for stay of demolition, which were listed on 11th August, 2025, 13th August, 2025 and 14th August, 2025, could not be



taken up for hearing, despite the matter being on board, as tenure of the Presiding Officer has already expired, and a new successor has not joined as yet.

4. It is submitted that the petitioner was orally informed that the demolition action shall be taken against the petitioner's residential property at *House No. 230A, Hauz Rani, Malviya Nagar, New Delhi* on 20th August, 2025, despite the fact that the petitioner's statutory remedies are still pending and remain unheard solely because of the vacancy in the ATMCD.

5. It is submitted that the petitioner had earlier approached the ATMCD in respect of the Show Cause Notice and Demolition Order issued in the year 2016 against the erstwhile owner, Ms. Seema Sethi, even though the petitioner purchased the property on 13th June, 2016 through a registered sale deed.

6. Thus, it is submitted that the petitioner had filed an *Appeal No. 296/2023* against the aforesaid demolition order passed in the year 2016. However, it is submitted that the said appeal was dismissed in default, which the petitioner came to know only subsequently, when a partial demolition action was taken by the MCD in the year 2024.

7. Thus, it is submitted that the revival applications were filed on 29th July, 2024, along with application for stay on 09th June, 2025. However, it is submitted that on account of the vacancy in the ATMCD since 05th August, 2025, petitioner's matter could not be heard.

8. Thus, the present writ petition has been filed.

9. *Per contra*, learned counsel appearing for the respondent-MCD on advance notice draws the attention of this Court to the order dated 25th April, 2025 passed in *W.P.(C) 5308/2025*, titled as *Shamim Versus Commissioner*



MCD and Ors.

10. By referring to the aforesaid order, learned counsel for the respondent-MCD submits that with respect to the property of the petitioner, the aforesaid writ petition is already pending before this Court, wherein, this Court has already given directions to the MCD to file its Status Report. Thus, she submits that the action is being taken by the MCD, which is fixed for 20th August, 2025.

11. This Court is further informed that the aforesaid writ petition is next listed for hearing on 08th September, 2025.

12. Responding to the same, learned counsel for the petitioner submits that the petitioner herein has not been made a party in the said writ petition. He submits that the predecessor-in-interest of the petitioner have been added as respondent nos. 4 and 5. He further submits that though a petition may be pending before this Court, the statutory right is still available to the petitioner herein, which he has already availed.

13. Having heard learned counsels for the parties and considering the fact that the applications of the petitioner herein for restoration/revival of the appeal and for stay against any action sought to be taken by the MCD, are still to be taken up by the ATMCD in view of the vacancy before the ATMCD, accordingly, it is directed that no coercive action be taken against the petitioner, till the petitioner's applications are heard and decided by the ATMCD.

14. It is to be noted that the present petition has been filed only on account of the vacancy of the Presiding Officer before the ATMCD, in order to allow the applications of the petitioner to be heard and decided by the learned ATMCD.



15. This Court is informed that the appeal of the petitioner herein, i.e., *Appeal No. 296/2023*, along with application for restoration and stay application, are listed before the learned ATMCD on 09th September, 2025.

16. Accordingly, it is directed that the petitioner shall argue his appeal and other applications before the learned ATMCD on the next date of hearing, i.e., 09th September, 2025, and shall not seek any adjournment.

17. In case, on 09th September, 2025, Presiding Officer of the ATMCD has still not joined, it is directed that the petitioner shall file an application before the learned ATMCD within a period of two weeks of the Presiding Officer joining the ATMCD, in order to get his appeal and applications listed.

18. Upon the petitioner filing such application, the appeal and applications of the petitioner shall be listed by the learned ATMCD as per its calendar.

19. It is clarified that in case the petitioner does not file the application before the ATMCD, within a period of two weeks of the new Presiding Officer taking charge of the ATMCD, the stay granted by this Court shall automatically lapse after two weeks of joining of the Presiding Officer in the ATMCD.

20. It is clarified that this Court has not expressed any opinion on the merits of the case of the petitioner.

21. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.

MINI PUSHKARNA, J

AUGUST 18, 2025/au