



\$~47 & 55

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

+ W.P.(C) 12567/2025, CM APPL. 51222/2025 & CM APPL. 51223/2025

KRISHAN PAL SHARMA & ORS.Petitioners

Through: Mr. Pulkit Garg, Adv.
Mob: 8586818764
Email: law.pulkitgarg@gmail.com

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Anand Prakash, SC for MCD
with Ms. Varsha Arya and Mr.
Satbeer, Advs.
Mob: 8851801293

55

+ W.P.(C) 12601/2025, CM APPL. 51377/2025 & CM APPL. 51378/2025

SANDEEP GARG & ANR.Petitioners

Through: Mr. Pulkit Garg, Adv.
Mob: 8586818764
Email: law.pulkitgarg@gmail.com

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Anand Prakash, SC for MCD
with Ms. Varsha Arya and Mr.
Satbeer, Advs.
Mob: 8851801293
Mr. Vinod Kumar Khanna, Adv. for
R-MCD
Mob: 9891081919
Email:
vinodkhanna_24@rediffmail.com



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
20.08.2025

%

1. The present writ petitions have been filed seeking to restrain the respondent-Municipal Corporation of Delhi ("MCD"), from taking any coercive action pursuant to the two Demolition Orders dated 01st April, 2025, till the Appellate Tribunal MCD ("ATMCD") resumes functioning.
2. There is further prayer that the stay application, as filed by the petitioners, along with their appeals, are heard and adjudicated by the learned ATMCD.
3. It is submitted that the petitioners in *W.P.(C) 12567/2025*, are the exclusive and lawful owners of the property bearing *Municipal Nos. 1/2432/15* and *1/2432/14 (old nos. 603-612)* situated at *Ram Nagar, Main Mandoli Road, Shahdara, Delhi-110032*, consisting of a basement, ground floor, first floor and second floor, having acquired the same *vide* registered sale deeds dated 05th April, 2022 and 12th April, 2022.
4. It is further submitted that the petitioners in *W.P.(C) 12601/2025* are the exclusive and lawful owners of the property bearing *Municipal No. 1/2432/1 (old nos. 603-612)*, *admeasuring 484.58 square yards*, situated within the revenue estate of *Village Chandrawali @ Shahdara, Delhi-110032*. The property is comprised of a basement, ground floor, first floor and second floor, having been purchased under a duly registered sale deed dated 23rd March, 2022.
5. It is submitted that the petitioners have filed appeals before the learned ATMCD, seeking quashing of the Demolition Orders dated 01st



April, 2025, passed by the Assistant Engineer (Bldg.)-II, Shahdara (North) Zone, MCD.

6. It is submitted that the said appeals are pending before the ATMCD, and the appeals along with the stay applications were listed for hearing on 18th August, 2025. However, the appeals and the applications for stay could not be taken up, since there is no Presiding Officer in the ATMCD currently.

7. It is further submitted that the next date in the appeals has now been given for 13th January, 2026.

8. Responding to the present petitions, learned counsel appearing for the respondent-MCD submits that when the properties in question were purchased, the same was vacant land. He submits that as per sale deeds filed by the petitioners, the plots in question were vacant lands in the year 2022. He submits that it is only post-purchase, that construction has been carried out, without sanctioned building plan.

9. Be that as it may, the Court is not dealing with the present petitions on their merits.

10. Considering the submissions made before this Court that the appeals and the stay applications of the petitioners herein are pending before the learned ATMCD, it is directed that no coercive action shall be taken against the petitioners, for a period of four weeks after the Presiding Officer of the learned ATMCD takes charge.

11. It is directed that as soon as the Presiding Officer of the ATMCD resumes charge, the petitioners shall forthwith get their appeals and applications listed before the learned ATMCD.

12. Learned ATMCD shall hear the appeals and applications of the petitioners herein on their own merits.



13. It is clarified that the protection granted by this Court shall lapse after four weeks of the Presiding Officer of ATMCD, resuming charge.

14. It is further clarified that this Court has not expressed any opinion on the merits on the case of the petitioners, which shall be heard independently by the learned ATMCD.

15. This Court, by way of the present order, has granted only limited protection to the petitioners, in order to ensure that the appeals and the applications of the petitioners are heard by the learned ATMCD.

16. With the aforesaid directions, the aforesaid petitions, along with pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 20, 2025/SK