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

+ W.P.(C) 12626/2025 & CM APPL. 51477/2025, CM APPL. 51478/2025

SAFINA

.....Petitioner

Through: Mr. Sanjeev Kumar, Mr. M.M. Siddiqui, Advocates (M:9891490070)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Umakant Mishra, SC-MCD with Ms. Shweta, Advocate (M: 9871595014)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.08.2025

1. The present writ petition has been filed challenging the Demolition Order dated 27th June, 2025 under Section 343 of the Delhi Municipal Corporation Act, 1957 ("DMC Act") and subsequent Vacation Notice dated 06th August, 2025, issued by the respondent-Municipal Corporation of Delhi ("MCD"), for property bearing No. R-98, Kh. No. 1ETC/113, Gali No, 21, Brahampuri Delhi-110053.

2. Learned counsel for the petitioner submits that the petitioner is the owner of one of the flats on second floor of the property in question, where six flats exist.

3. It is submitted that the petitioner did not receive any Show Cause Notice, in her individual capacity, despite the fact that the flat in question, is under possession of the petitioner since 14th March, 2025.



4. It is submitted that the Show Cause Notice dated 30th May, 2025, was never received by the petitioner. Thus, without serving any requisite Show Cause Notice to the petitioner or granting an opportunity of hearing to the petitioner, aforesaid Demolition Order and Vacation Notice, have been issued.

5. Learned counsel for the petitioner further submits that the present writ petition has been filed before this Court, since the post of Presiding Officer of Appellate Tribunal MCD (“ATMCD”), is vacant.

6. It is submitted that the petitioner herein has already filed an appeal before the ATMCD, which matter was listed for hearing yesterday, i.e., 20th August, 2025. Since there is no Presiding Officer in the ATMCD, appeal of the petitioner could not be heard and is now listed for hearing on 15th September, 2025.

7. Replying to the present petition, learned counsel for the respondent-MCD, on advance notice, submits that the Demolition Order with respect to the property in question, already stands passed on 27th June, 2025. She submits that the petitioner has approached the ATMCD belatedly, only in the month of August, whereas, the petitioner could have filed the appeal in the month of July, 2025.

8. She further submits that the Demolition Order has been passed after following the due process of law.

9. In response, learned counsel for the petitioner submits that the cause of action for filing the appeal arose only after the Vacation Notice dated 06th August, 2025, was received by the petitioner.

10. Having heard learned counsels for the parties, this Court notes the submission made by learned counsel for the petitioner that the petitioner has



already filed an appeal before the ATMCD, challenging the Demolition Order dated 27th June, 2025, and Vacation Notice dated 06th August, 2025.

11. This Court further notes the submission on behalf of the petitioner that the present writ petition has been filed only on account of the fact that, at present, there is no Presiding Officer in the ATMCD.

12. Accordingly, considering the facts and circumstances of the present case, it is directed that no coercive action shall be taken against the petitioner herein, till the appeal of the petitioner is heard and considered by the ATMCD.

13. It is clarified that aforesaid protection is being granted to the petitioner only as an interim measure, so that the appeal of the petitioner is considered by the ATMCD.

14. In case, on the next date of hearing before the ATMCD, i.e., 15th September, 2025, there is no Presiding Officer in the ATMCD, it is directed that within two weeks of the Presiding Officer of the ATMCD taking charge, the petitioner herein shall file requisite application before the ATMCD for taking up her appeal for hearing.

15. It is further clarified that this Court has not considered the merits of the case of the petitioner, which shall be considered and decided by the ATMCD on its own merits.

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

MINI PUSHKARNA, J

AUGUST 21, 2025/au