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

+ W.P.(C) 12861/2025 & CM APPL. 52558/2025

CHHAYA JAIN

.....Petitioner

Through: Mr. Lalit Gupta, Mr. Anmol Ghai and
Ms. Ishita Nautiyal, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Manoj K. Sharma, Adl. SC for R-
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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25.08.2025

1. The present writ petition has been filed by the petitioner, who is the sole and absolute owner of the built-up property bearing *Municipal No. 4227, Ward No. VI, Chatta Gosain, Jogiwara, Nai Sarak, Delhi-110006*.
2. Learned counsel appearing for the petitioner submits that the present petition has been filed being aggrieved by the passing of the impugned Demolition Order dated 04th August, 2025, issued by the Municipal Corporation of Delhi ("MCD") under Section 343 of the Delhi Municipal Corporation Act, 1957 ("DMC Act").
3. It is submitted that the impugned Demolition Order is appealable before the Appellate Tribunal, MCD ("ATMCD") under Section 343(2) of the DMC Act. However, since the previously appointed Presiding Officer of the ATMCD has completed his tenure on 05th August, 2025, and no fresh



appointment of any Presiding Officer has been notified by the competent authority till date, the present writ petition has been filed.

4. It is submitted that after purchasing the property in question, the petitioner has carried out certain minor repairs in the said property, for which no prior permission is required in terms of the Unified Building By-law for Delhi, 2016.

5. It is further submitted that the petitioner came to know that the Show Cause Notice dated 23rd April, 2025 was issued by the respondent MCD to the erstwhile owner of the said property, despite being aware of the fact that the said property had been purchased by the petitioner herein.

6. Learned counsel for the petitioners submits that no prior permission is required from the respondent-MCD for erection of internal partitions and the petitioners had merely fixed shuttles for safety purposes for which there is no prohibition. In any case, the same have already been removed at the moment.

7. It is submitted that the construction existing in the said property is otherwise duly protected, *inter alia*, in view of the provision of the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023.

8. It is further submitted that the petitioner is also ready and willing to rectify the non-compoundable deviations, if any, and pay any charges, if leviable, in accordance with law.

9. It is submitted that no personal hearing has been granted to the petitioner at the time of passing of the impugned Demolition Order and hence the Principles of Natural Justice have been completely violated, as the documents submitted on behalf of the petitioner, have not been considered.



10. Issue notice. Notice is accepted by learned counsel appearing for the MCD, who confirms the fact that as on date, the shutters and partition installed by the petitioner have been removed.

11. At this stage, learned counsel appearing for the petitioner submits that on account of the fact that the deviations, as pointed out by the MCD, existing earlier have already been removed, the present writ petition may be treated as a representation by the MCD. Further, the petitioner is also ready to remove any non-compoundable deviations that may be existing in the property in question.

12. Accordingly, it is directed that the present writ petition shall be considered as a representation by the MCD.

13. The petitioner shall be called for personal hearing by the Executive Engineer (Building)-I, City SP Zone on 29th August, 2025 at 03:00 PM.

14. The petitioner or her authorized representative shall attend the personal hearing. Any documents as may be required by the MCD, shall be duly submitted by the petitioner.

15. Upon providing appropriate opportunity for hearing to the petitioner, the MCD shall pass a Speaking Order after duly considering the case of the petitioner.

16. In case, there are any non-compoundable deviations, which are pointed by the MCD, the petitioner shall proceed to remove the same from the premises in question.

17. In case of any compoundable deviations, the petitioner shall be at liberty to file an application for regularization of the same, which shall be considered by the MCD, in accordance with law.

18. Accordingly, till the process of hearing is complete, no coercive



action shall be taken against the petitioner. Further, any action which is to be taken by the MCD, shall be subject to the outcome of the proceedings before the Executive Engineer, MCD.

19. Needless to state that, in case, the petitioner is aggrieved by any order passed by the MCD, the petitioner is at liberty to seek her remedies in accordance with law.

20. It is further clarified that after grant of hearing to the petitioner, *qua* any action which is sought to be taken by the MCD, fresh order with regard thereto, would have to be issued by the MCD.

21. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

AUGUST 25, 2025/KR