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

+ W.P.(C) 12876/2025, CM APPL. 52579/2025 & CM APPL. 52580/2025

ANUPAM VIBHUTI

.....Petitioner

Through: Mr. Pulkit Garg, Mr. Jai, Advocates
(M:8586818764)

versus

MUNCIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Abhinav Singh, ASC-MCD with
Mr. Kuldeep Singh, Advocate
(M:9811188892)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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25.08.2025

1. The present writ petition has been filed seeking directions to restrain the respondent-Municipal Corporation of Delhi ("MCD") from taking any demolition or any other coercive action, pursuant to the Demolition Order dated 22nd July, 2025, till the Appellate Tribunal MCD ("ATMCD") resumes functioning.
2. It is submitted that the petitioner is the exclusive and lawful owner of property bearing *Flat No. 59, Sidhartha Enclave, Sidhartha Nagar, New Delhi*, having been purchased for valuable consideration under a duly registered Sale Deed dated 17th March, 2009.
3. It is further submitted that the subject property is an old and occupied construction and no new unauthorized construction has been carried out by the petitioner herein, since its purchase in the year 2009, till date.



4. Thus, it is submitted that the construction, as existing in the subject property, was carried out prior to 07th February, 2007, except for the permitted repair works, and as such, is duly protected under the provisions of Section 3(2) of the National Capital Territory of Delhi Laws (Special Provisions Second (Amendment) Act, 2023.

5. The petitioner even sought permission/intimation from the respondent *vide* separate request letter, in terms of the guidelines/policy pertaining to Delhi Development Authority (“DDA”). Based upon the said request/intimation letter dated 26th March, 2025, the respondent issued a permission letter dated 11th April, 2025 to the petitioner.

6. Thus, it is submitted that pursuant to the permission letter received from the respondent, permissible repair works were carried out in the subject property by the petitioner in terms of the permission letter dated 11th April, 2025 received from the MCD.

7. Learned counsel for the petitioner submits that the petitioner has not carried out any unauthorized construction in the subject property and has merely carried out permissible repairs.

8. It is submitted that the subject property was inspected by the MCD, however, no details of the said inspection were ever provided to the petitioner.

9. Learned counsel appearing for the petitioner further submits that the impugned Demolition Order is a non-speaking order, which is devoid of any merit and fails to specify the alleged unauthorized construction in the property in question.

10. It is submitted that the petitioner has filed the present petition only for a limited relief of protection till his appeal is heard by the ATMCD at



present.

11. Issue notice. Notice is accepted by learned counsel for MCD, who confirms the fact that there is no Presiding Officer in the ATMCD.

12. Considering the submissions made before this Court, this Court notes that the petitioner has already filed an appeal before the ATMCD on 18th August, 2025, which is stated to be next listed on 12th September, 2025. Considering the fact that on account of no Presiding Officer being there in the ATMCD, the appeal of the petitioner has not been heard, this Court is of the view that limited protection ought to be granted to the petitioner.

13. Accordingly, it is directed that no coercive action shall be taken against the petitioner till the appeal of the petitioner is taken up for consideration by the ATMCD.

14. It is further directed that in case, by the next date of hearing given before the ATMCD, there is no Presiding Officer, the protection granted today shall automatically extend till the next date of hearing before the ATMCD.

15. However, in case, the Presiding Officer of the ATMCD takes charge in the meanwhile, it is directed that the petitioner herein shall file an application before the ATMCD, within a period of two weeks of the Presiding Officer taking charge, for taking up his appeal.

16. It is clarified that this Court has not expressed any opinion on the merits of the present case, which shall be decided by the ATMCD independently, after hearing the parties.

17. Rights and contentions of all the parties are left open and are to be considered in appropriate proceedings.

18. The present order is being passed only with a view to allow an



opportunity to the petitioner to argue his appeal before the ATMCD.

19. Accordingly, with the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

AUGUST 25, 2025/au

MINI PUSHKARNA, J