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

+ W.P.(C) 12878/2025, CM APPL. 52583/2025, CM APPL. 52584/2025 & CM APPL. 52585/2025

DINESH KUMAR KHANDELWAL & ORS.Petitioners

Through: Mr. Pulkit Garg, Advocate with Mr. Jai, Advocate
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versus

MUNCIPAL CORPORATION OF DELHIRespondent

Through: Mr. Harshit Chopra, Advocate for MCD
Mob: 9911543883
Email: advharshitchopra@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
25.08.2025

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1. The present writ petition has been filed seeking directions to restrain the respondent-Municipal Corporation of Delhi ("MCD") from taking demolition or any other coercive action, in pursuance of the Demolition Order passed by the MCD, till the Appellate Tribunal MCD ("ATMCD") resumes functioning, and the appeal filed by the petitioners herein, is heard.

2. Learned counsel appearing for the petitioners submits that the petitioners are the owners of their respective shops on the ground, mezzanine, first, second and third floors of the properties bearing nos. 1239 and 1240 (Part), Kucha Mahajani, Chandni Chowk, Delhi, area measuring 65 sq. yds.



3. It is submitted that the properties in question comprise of ground floor, mezzanine floor, first floor, second floor, third floor and partly fourth floor, which has wrongly been identified as the fifth floor.
4. It is submitted that the petitioners are impugning the Demolition Order on the ground that the shops in question were already constructed, and are in existence since the year 2004, which fact is evident from their respective Sale Deeds, and are, thus, claiming the protection and immunity, as envisaged under Section 3 (2) of the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023 (“Special Provisions Act”), as amended upto date.
5. It is submitted that the Sale Deeds and the contents of the same, show that the subject properties comprise of ground to third floor, including, the mezzanine floor, with shops on each floor, which have been in existence, much prior to the cut-off date of 07th February, 2007, as required under Section 3 (2) of the Special Provisions Act.
6. It is submitted that on account of an *inter-se* disputes between the partners/directors of the builders, i.e., M/s M.N. Buildcon, relating to distribution of properties and assets of the said company, the subject properties came to be booked for unauthorized construction by the respondent corporation, on account of which a Show Cause Notice dated 02nd July, 2024 was issued.
7. It is submitted that the said Show Cause Notice was neither served personally nor communicated through any proper mode of service, but was merely pasted/affixed on the properties in question.
8. It is submitted that subsequently, when the petitioners became aware of the said Show Cause Notice, they filed their respective replies. It is



submitted that thereafter, the MCD issued another Show Cause Notice dated 15th July, 2024.

9. In response thereto, the petitioners filed detailed replies, and were also granted a personal hearing before the Quasi-Judicial Authority and the said proceedings before the Quasi-Judicial Authority are still pending adjudication.

10. It is submitted that now the petitioners have received a Vacation Notice dated 05th August, 2025, which has been affixed/pasted on the properties in question.

11. It is submitted that the petitioners have not received any Demolition Order till date. Thus, it is submitted that such deliberate non-disclosure and withholding of the Demolition Order is wholly arbitrary.

12. It is submitted that the present petition has been filed with a limited prayer for protecting the petitioners from any coercive action being taken by the respondent-MCD, till their appeal is heard by the ATMCD.

13. Responding to the present petition, learned counsel appearing for the respondent-MCD submits that the present case pertains to two properties, viz., properties bearing nos. *1239 and 1240 (Part), Kucha Mahajani, Chandni Chowk, Delhi*. He submits that as regard the property bearing no. *1240 (part)*, the said property was booked on 02nd July, 2024, and thereafter, a Demolition Order was passed on 16th July, 2024. It is submitted that a Vacation Notice was issued on 05th August, 2025, and part demolition action has already been taken on 20th August, 2025.

14. He submits that as far as the property bearing no. *1239* is concerned, as per his instructions, the said property has not been booked.

15. Accordingly, considering the submissions made before this Court that



the petitioners herein have already filed an appeal before the ATMCD on 21st August, 2025, which is next listed for hearing on 28th August, 2025, and considering the fact that on account of no Presiding Officer being there in the ATMCD, the appeal of the petitioners has not been heard, this Court is of the view that limited protection ought to be granted to the petitioners.

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

17. It is directed that, in case, by the next date of hearing, i.e., 28th August, 2025, there is no Presiding Officer in the ATMCD, the protection granted today shall automatically extend to the next date of hearing.

18. It is further directed that, in case, in the meanwhile the Presiding Officer of the ATMCD takes charge, the petitioners herein shall file an application before the ATMCD for taking up their case, within two weeks thereof.

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

20. The present order is being passed only with a view to allow an opportunity to the petitioners to argue their appeal before the ATMCD.

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

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

MINI PUSHKARNA, J

AUGUST 25, 2025

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