



2025:DHC:7625



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 01st September, 2025**

+ W.P.(C) 13320/2025, CM APPL. 54639/2025 & CM APPL. 54640/2025

RAMESH KUMAR

.....Petitioner

Through: Mr. Rohit Puri and Mr. Yuvraj Singh,
Adv.

Mob: 9871935220

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versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. M.S. Oberoi, SC for R-MCD
(Through VC)

Mob: 98115 51525

Email: 505chamber@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed challenging the Vacation Notice dated 29th July, 2025, issued by the respondent–Municipal Corporation of Delhi (“MCD”), under Section 349 of Delhi Municipal Corporation Act, 1957 (“DMC Act”) in respect of second floor of property bearing *No. J-4/21-B, DDA Flats, Kalkaji, New Delhi-110019*.
2. Learned counsel appearing for the petitioner submits that the petitioner has already filed an appeal bearing *No. 557/2025*, before the Appellant Tribunal MCD (“ATMCD”) against the said Vacation Notice. However, since there is no Presiding Officer in the ATMCD currently, appeal of the petitioner has not been heard. It is submitted that the appeal of



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the petitioner was listed on 06th August, 2025, and is next listed on 10th September, 2025, however, no effective hearing took place on 06th August, 2025.

3. Issue notice. Notice is accepted by learned counsel appearing for the respondents, who submits that in the present case, the notice was issued much earlier, back in the year 2019. He submits that the petitioner herein had the liberty to approach the ATMCD in the year 2019. However, the petitioner has approached the ATMCD only now upon receipt of the Vacation Notice. He further submits that the property in question measures 25 sq. yds., wherein, the petitioner has built multiple storeys, which cannot be regularized.

4. Responding to the aforesaid, learned counsel appearing for the petitioner submits that the petitioner has not received any notice of the year 2019. He submits that the petitioner has only received the Vacation Notice dated 29th July, 2025, and immediately, thereafter, the petitioner has filed an appeal before the learned ATMCD.

5. Learned counsel appearing for the petitioner further submits that the petitioner is seeking only limited protection before this Court, since the appeal of the petitioner cannot be heard before the ATMCD in the absence of any Presiding Officer.

6. Having heard learned counsels for the parties, this Court notes that it is the case of the petitioner that an appeal before the ATMCD has already been filed, and only on account of there being no Presiding Officer in the ATMCD currently, the present writ petition has been filed.

7. This Court is, accordingly, of the view that the matter ought to be heard by the ATMCD.

8. This Court is informed that the next date before the ATMCD is 10th



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September, 2025.

9. Considering the fact that currently there is no Presiding Officer in the ATMCD, it is directed that no coercive action shall be taken against the property of the petitioner, till the next date of hearing before the ATMCD, i.e., 10th September, 2025.

10. Further, in case, the Presiding Officer of the ATMCD does not take charge even by the next hearing, i.e., 10th September, 2025, the protection granted today shall extend automatically till the next date, which is given by the ATMCD.

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

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

13. Rights and contentions of the parties are kept open, which shall be decided by the ATMCD independently, after hearing the parties.

14. The present order has been passed with a view to allow an opportunity to the petitioner to argue his appeal before the ATMCD.

15. Considering the order passed today, it is directed that the petitioner herein shall maintain *status quo* as regards the construction in the property. No further construction shall be carried out by the petitioner.

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

MINI PUSHKARNA, J

SEPTEMBER 1, 2025/SK