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

+ **W.P.(C) 13586/2025 & CM APPL. 55762/2025**

SHRI VIJAY TOKAS

.....Petitioner

Through: Mr. N. S. Dalal, Mr. Karan Mann,
Ms. Nidhi Dalal, Mr. Alok Kumar,
Ms. Rachna Dalal, Advocates
(M:9818865894)

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER**

.....Respondent

Through: Ms. Shilpa Dewan, ASC-MCD
(M:9971192772)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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04.09.2025

1. The present writ petition has been filed seeking directions to stay the operation of the order dated 08th August, 2025, passed by the Municipal Corporation of Delhi ("MCD"), whereby, a Demolition Order has been issued against the property of the petitioner.
2. It is submitted that the petitioner is a senior citizen, and the owner/occupier of the property bearing *House no. 109, Mandir Wali Gali, near Old Canara Bank, village Munirka, Delhi*, which is identified as *House no. 80-E, Village Munirka, Delhi-110067*.
3. It is submitted that the petitioner was served with a Show Cause Notice dated 13th June, 2025, for unauthorized construction in the property in question, which was received by the petitioner on 21st June, 2025, and duly replied by the petitioner on 27th June, 2025.



4. Learned counsel for the petitioner submits that in the said reply, it was clearly stated by the petitioner that no construction had been carried out in the property in question. He further submits that only some repair work had been carried out in the property in question.
5. It is submitted that an appeal has already been filed before the Appellate Tribunal MCD (“ATMCD”). However, it is submitted that since there is no Presiding Officer currently in the ATMCD, the present writ petition has been filed.
6. Issue notice. Notice is accepted by learned counsel for the MCD.
7. Learned counsel for the MCD submits that a writ petition being *W.P.(C) 10855/2025*, is pending before this Court with respect to the same property, wherein, the next date of hearing is 19th September, 2025. However, she submits that since in other similar matters, this Court has already granted limited protection to owners till their appeal is heard by the ATMCD, she has no objection if a limited stay is granted to the petitioner in the present petition also.
8. Accordingly, having heard learned counsels for the parties, this Court notes that the petitioner herein has already filed an appeal before the ATMCD, which has not been taken up for hearing on account of the fact that there is no Presiding Officer currently in the ATMCD.
9. Accordingly, this Court is of the view that the appeal of the petitioner is required to be heard by the ATMCD.
10. 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 in question, till the matter is heard by the ATMCD.
11. Further, in case the Presiding Officer of the ATMCD does not take



charge even on the next date of hearing when the appeal of the petitioner is listed before the ATMCD, the protection granted today shall extend automatically to the next date, which is given by the ATMCD.

12. 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 the ATMCD taking charge, for taking up his appeal.

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

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

15. The present order is being passed only with a view to allow an opportunity to the petitioner to argue his appeal before the ATMCD.

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

MINI PUSHKARNA, J

SEPTEMBER 4, 2025/au