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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15059/2025 & CM APPL. 62003/2025 & CM APPL.
62004/2025

NEELAM

.....Petitioner

Through: Mr. Anuj Arora, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Sanjeev Sabharwal, SC, MCD
with Ms. Shweta Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **26.09.2025**

1. The present petition has been filed seeking directions to the respondent – Municipal Corporation of Delhi (“MCD”), not to demolish any portion of the petitioner’s premises bearing *No. C-140, Dena Apartments, Sector-13, Rohini, New Delhi-110085*, in terms of the Demolition Order dated 09th August, 2023, without following the due process of law.
2. Learned counsel for the petitioner submits that demolitions actions have been taken against the aforesaid property of the petitioner by the respondent – MCD, on 03rd September, 2024 and 31st July, 2025, on the basis of a Demolition Order passed on 09th August, 2023. Thus, he submits that no prior notice was given to the petitioner before carrying out the said demolition actions.
3. It is submitted that due to space constraints, many residents in



petitioner's society have made small and temporary additions or extensions, in order to create passages for air to pass, to avoid the house from being claustrophobic. These additions are in the nature of temporary semi *pucca* construction, such as that of an additional toilet, bathroom or a small store, or creating an extension in the nature of an extended balcony, etc., which is not part of the Standard Building Plan issued by the Delhi Development Authority ("DDA").

4. Learned counsel for the petitioner submits that the residents were under the *bona fide* belief that such additions/alternations/extensions are permissible under the law. Moreover, the Resident Welfare Association ("RWA") of the society had also given the assurance, that as many residents had already made additions to the existing structure, therefore, there would not be any issue in carrying out additions/alterations of such nature.

5. It is submitted that the petitioner, based upon such belief and assurance, carried out some modifications in the nature of construction of one semi *pucca* balcony on the third floor. However, on 01st August, 2023, the petitioner received a Show Cause Notice from the respondent-MCD in respect of the extended balcony. Learned counsel further submits that no other resident of the society has received any such notice in respect of the constructions/changes in their properties.

6. He further submits that thereafter, the petitioner's husband also received summons from the Court of ASCJ (North), Rohini Courts, Delhi in case being *CS SCJ No. 1132/23*, titled as "*Swarn Lata Versus Sandeep Kumar and Anr.*". Pursuant to orders passed in the said suit, the MCD, being a defendant therein, carried out demolition actions in the balcony in the property in question on 03rd September, 2024, and again on 31st July,



2025.

7. Learned counsel for the petitioner submits that *vide* order dated 29th August, 2025, passed in *CS SCJ No. 1132/23*, the MCD visited the premises of the petitioner on 10th September, 2025 and stated that they will come again in a day or two for demolition of certain portion of the property in question.

8. Thus, apprehending further demolition action, the petitioner has filed the present petition. Learned counsel appearing for the petitioner submits that he has approached this Court only on account of the fact that there is no Presiding Officer in the Appellate Tribunal MCD (“ATMCD”) as of now, and seeks protection from this Court only on this account.

9. Accordingly, in order to allow the petitioner to file an appeal before the ATMCD, it is directed that no coercive action shall be taken against the property of the petitioner for a period of four weeks, from today.

10. This Court is informed that there is no Presiding Officer in the ATMCD, for the time being. Thus, in case, at the time of filing of the appeal, there is no Presiding Officer in the ATMCD, the protection granted by today’s order shall automatically extend to any next date, which is given by the ATMCD.

11. However, in case, the petitioner does not file the appeal before the ATMCD within the requisite time, the protection granted by today’s order, shall automatically lapse.

12. It is clarified that this Court has not considered the merits of the petitioner’s case, which shall be considered and decided by the ATMCD on its own merits.

13. Needless to state, the rights and contentions of the parties are left



open.

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

MINI PUSHKARNA, J

SEPTEMBER 26, 2025/H