



2025:DHC:9060



\$~73

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 09th October, 2025**+ **W.P.(C) 15445/2025, CM APPL. 63200/2025 & CM APPL. 63201/2025****ARUN KUMAR SAINI**PetitionerThrough: **Mr. Shalinder Saini, Adv.**

versus

MUNICIPAL CORPORATION OF DELHIRespondentThrough: **Mr. Siddharth Gupta, SC-MCD**
(M:9810141287)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking prayer from this Court to restrain the respondent, i.e., Municipal Corporation of Delhi ("MCD") from taking any coercive action against the petitioner's property, in view of the fact that the petitioner's statutory appeal is pending before the Appellate Tribunal MCD ("ATMCD"), which is presently non-functional, as the Presiding Officer has not assumed charge.
2. Learned counsel for the petitioner submits that the appeal of the petitioner, i.e., appeal bearing no. 942/2024, is pending before the ATMCD, wherein, the petitioner has challenged the Demolition Order dated 20th September, 2024, passed by the Executive Engineer (Bldg.)-I Central Zone, Lajpat Nagar, New Delhi, confirming the order of Demolition dated 17th May, 2024.
3. It is submitted that the appeal of the petitioner is coming up for hearing before the ATMCD on 13th October, 2025.



4. It is further submitted that despite the appeal of the petitioner being pending before the ATMCD, on 24th September, 2025, when the petitioner came to his property, he noticed that his door had been broken, and a notice had been pasted on the door dated 24th September, 2025.
5. It came to the knowledge of the petitioner that MCD officials had visited the house of the petitioner, and carried out demolition, including, demolition of the solar panel and other structures, and thereafter placed a seal on the roof of the property of the petitioner, without serving any prior notice to the petitioner.
6. Thus, the present petition has been filed seeking limited protection till the appeal of the petitioner which is pending before the ATMCD, is heard.
7. *Per contra*, learned counsel for the respondent-MCD submits that part action has already been taken by the MCD against the unauthorized construction existing in the property of the petitioner.
8. He further submits that the action is being taken by the MCD, after following due procedure and the process of law.
9. He draws the attention of this Court to the order dated 08th May, 2024, passed in *W.P.(C) 6573/2024*, titled as “*CDR Bhupesh Rakhra Versus Delhi Development Authority Through Its Vice Chairman & Ors.*”, to submit that this court has already directed that action shall be taken against the unauthorized construction existing in the property in question, i.e., *Flat No. 123, Sidhartha Enclave, New Delhi-110014*.
10. He further submits that the said matter is pending for compliance by the MCD, with the next date being 12th February, 2026.
11. At this stage, learned counsel for the petitioner submits that he is seeking only a limited relief from this Court, since there is no Presiding



2025:DHC:9060



Officer before the ATMCD, at the time.

12. Having heard learned counsels for the parties, this Court considers the submission made by the learned counsel for the petitioner that ATMCD is currently not functional, which fact is also confirmed by the learned counsel for the respondent-MCD.

13. Considering the aforesaid fact, it is directed that no coercive action shall be taken against the property of the petitioner, till the appeal of the petitioner is heard by the ATMCD.

14. This Court is informed that the next date before the ATMCD is 13th October, 2025.

15. Accordingly, it is directed that, in case, there is no Presiding Officer in the ATMCD on the next date when the appeal of the petitioner, i.e., 13th October, 2025, is listed and any next date is given thereto, the protection granted today shall automatically extend to the next date being given by the ATMCD.

16. It is clarified that this Court has not expressed any opinion on the merits of the 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 decided in appropriate proceedings.

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

MINI PUSHKARNA, J

OCTOBER 9, 2025/au

Signature Not Verified

Digitally Signed
By: HARIOM SHARMA
Signing Date: 12.10.2025
18:07:39

Page 3 of 3