



2025:DHC:9285



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 14th October, 2025**+ **W.P.(C) 15757/2025****NITIN SINGH**

.....Petitioner

Through: **Ms. Parul Agarwal, Advocate****Mob: 9873416566**

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Kumar Shashwat Singh S., SC for
MCD with Mr. Vishal Singh,
Advocate****Mob: 9999488489****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. The present writ petition has been filed seeking directions to the respondent-Municipal Corporation of Delhi ("MCD") to execute the Demolition Order dated 12th January, 2022, 18th November, 2021, 09th February, 2022, and the Sealing Order dated 05th November, 2024.
2. Learned counsel appearing for the petitioner submits that an appeal on behalf of the petitioner was filed in August, 2025, and the next date before the Appellate Tribunal, MCD ("ATMCD") is 06th November, 2025.
3. It is submitted that the present petition was filed, since there was no Presiding Officer in the ATMCD. However, she confirms the fact that since yesterday, i.e., 13th October, 2025, the new Presiding Officer in the ATMCD has resumed charge.
4. She further submits that the present petition may be taken up with a



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view to grant only limited protection till the next date of hearing, when the appeal of the petitioner is taken up by the ATMCD.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD, who draws the attention of this Court to the order dated 13th August, 2025, passed by this Court, in *W.P.(C) 12190/2025*, to submit that on an earlier occasion as well, the petitioner had approached this Court, and had withdrawn the petition with a view to approach the ATMCD.

6. Learned counsel appearing for the respondent-MCD further submits that earlier also, this Court had not granted any interim protection to the petitioner.

7. He further submits that the petitioner herein had earlier filed a common appeal against the Sealing, as well as, Demolition Orders, and the said appeal was ultimately withdrawn, on account of the same not being maintainable.

8. Having heard learned counsels appearing for the parties, this Court notes that the petitioner had approached this Court *vide* order dated 13th August, 2025, in *W.P.(C) 12190/2025*, titled as “*Nitin Singh Versus Municipal Corporation of Delhi*”, which order is reproduced as under:

“1. After some arguments, learned counsel appearing for the petitioner seeks to withdraw the present writ petition, in order to approach the Appellate Tribunal Municipal Corporation of Delhi (“ATMCD”), where the appeal has already been filed.

2. Accordingly, the present writ petition, along with the pending application, is dismissed as withdrawn.”

9. Perusal of the aforesaid order clearly shows that this Court had directed the petitioner, on earlier occasion also, to approach the ATMCD.

10. This Court further notes the order dated 15th May, 2025, passed by the ATMCD, in *Appeal No. 1075/24*, which reads as under:



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Annexure A-3 [Colly].

(29)

A.No. 1075/24

15.05.2025

Present : Sh. Ankit Gupta, Ld counsel for the appellant.
Sh. Pritish Sabbarwal, Ld counsel for the respondent.

Ld. Counsel for respondent / MCD submits that appellant has challenged the sealing as well as demolition order in the present appeal and one appeal cannot be maintained for orders passed in two separate proceedings.

Ld. counsel for appellant seeks some time to take instructions.

Put up for arguments on the point of maintainability, pending interim applications and appeal on 27.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
15.05.2025 R

11. Perusal of the aforesaid order clearly shows that an appeal had earlier been filed by the petitioner in the year 2024, which was subsequently withdrawn and a fresh appeal has been filed in August, 2025.

12. Considering the fact that the Presiding Officer has already resumed charge in the ATMCD, since yesterday, i.e., 13th October, 2025, it is directed that the petitioner herein shall move an appropriate application before the ATMCD for taking up the appeal.

13. This Court also takes note of the submission made be learned counsel appearing for the MCD that requisite action in the property in question has been taken time and again. It is to be noted that as per the submission made by learned counsel for the petitioner, last action was taken against the



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property on 09th October, 2025.

14. Noting the aforesaid and with the aforesaid directions, the present writ petition, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 14, 2025/SK