



2025:DHC:9667



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 03rd November, 2025**+ **W.P.(C) 15820/2025 & CM APPL. 68448/2025****SHAKUNTALA HEALTH EDUCATION FOUNDATION**

.....Petitioner

Through: **Mr. Vinod Kumar Mantoo, Advocate**
(M:9717787857)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. M.S. Oberoi, SC-MCD with Ms.**
Prashansa Srivastava, Advocate
(M:9811551525)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. The present matter has been listed on account of application being *CM APPL. 68448/2025* filed on behalf of the petitioner for extending the interim order passed by this Court *vide* order dated 14th October, 2025.
2. This Court notes that the present writ petition has been filed challenging the demolition action of the Municipal Corporation of Delhi ("MCD") in respect of property bearing *Khasra No. 86/21-22, Village Jaunti, Jaunti Garhi Road, New Delhi-110081*.
3. The present petition had been entertained by this Court taking into account the fact that the Appellate Tribunal MCD ("ATMCD") was not operational for a limited period, when the earlier Presiding Officer of the ATMCD had demitted office and no new Presiding Officer had taken charge.
4. This Court is now informed that a new Presiding Officer has already



taken charge and the ATMCD is currently functional.

5. This Court takes note of the Status Report filed on behalf of the MCD, relevant portions of which, read as under:

“xxx xxx xxx

2. That the property was inspected by the field staff and unauthorized construction in the shape of ground floor was found at Property khasra no. 87/24-25, Shakuntala school & college of Nursing, Jaunti, garhi Randhala road Delhi-110081. The property was booked vide file No. 325/UC/B/N/2024 dt. 09.12.2024 under section 343 & 344 (1) of DMC Act by J.E (B) Narela and whereas a show cause notice No. 19277 dated

09.12.2024 was issued under Section 343 & 344 (1) of DMC Act to owner/occupier asking therein to explain the reason as to why order of demolition as required under Section 343 of DMC Act should not be passed in respect of the construction already carried out by owner/occupier within 15 days from the receipt of the said notice. No reply was received within stipulated time period; consequently demolition order was passed on dated 30/12/2024. Copy of demolition order was pasted on 30/12/2024. Copy of show cause notice, demolition order and photo of demolition order pasting is annexed as **Annexure-R-1.**

3. That the work stop notice under section 344(2) of DMC Act vide no. AE/B/NRZ/2025/D-658 Dated 02/01/2025 was issued to SHO-Kanjhawala for not to allow construction at site.



4. That a demolition programme was fixed for 17/02/2025 and during the demolition action walls, 02 RCC concrete panels cut down with the help of gas cutter & windows demolished at ground floor. A watch & ward letter was also issued to SHO-Kanjhawala vide no. AE/B/NRZ/2025/D-746 Dated: 18/02/2025 for not to allow re-construction at site. Copy of watch and ward letter is annexed as **Annexure-R-2**.
5. That the owner/occupier further raised unauthorized construction at first floor which has been booked vide file no. 42/UC/B/N/25 Dated 19/03/2025 and a show cause notice has been issued vide no. 19285 dated 19/03/2025. No reply was received within stipulated time period; consequently demolition order was passed on dated 08/04/2025. Demolition order dated 08/04/2025 was tried to be served on 09/04/2025, 14/04/2025, however, it could not be served due to non presence of the owner/occupier at the site. It was pasted at site on 16/04/2025. Thereafter, demolition programme was fixed for dated 23/05/2025 and during the demolition action parapet wall and slab of ground floor was cut down with the help of Gas cutter. A photograph of demolition action taken on 23/05/2025 is annexed as **Annexure-R-3**.



6. That the demolition action was taken on 01/10/2025, wherein window panels, walls of rooms & RCC slabs was cut down. A photograph of demolition action taken on 01/10/2025 is annexed as **Annexure-R-4**.
7. That the contention of the petitioner that he was not served with the demolition orders is utter false. Demolition order was duly pasted on the site.
8. That the property cannot be regularized as no construction is allowed on the subject land being a agriculture land.

6. Perusal of the aforesaid Status Report clearly shows that action has already been taken by the MCD, against the property in question on two occasions.
7. This Court further takes note of the fact that a Demolition Order dated 08th April, 2025 has already been attached as *Annexure P-19* with the present petition.
8. This Court also takes note of the submission made by learned counsel for the petitioner that the address, as mentioned in the Demolition Order and Show Cause Notice, is different from the actual address of the petitioner.
9. All these submissions with regard to wrong address being mentioned by the MCD in the Show Cause Notice and Demolition Order, can be raised before the ATMCD.
10. Accordingly, liberty is granted to the petitioner to approach the ATMCD to file its statutory appeal, in accordance with law.
11. Considering the fact that an interim order had been granted in favour of the petitioner earlier, *vide* order dated 14th October, 2025, it is directed



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that no coercive action shall be taken against the property of the petitioner for a period of two weeks, in order to allow the petitioner to file an appeal before the ATMCD.

12. Rights and contentions of the parties are kept open.

13. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD.

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

15. The next date of hearing, i.e., 17th February, 2026 stands cancelled.

MINI PUSHKARNA, J

NOVEMBER 3, 2025/au