



2025:DHC:9297



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 16th October, 2025**+ **W.P.(C) 15968/2025 & CM APPL. 65340/2025 , CM APPL. 65341/2025****PAWAN KUMAR & ORS.**

.....Petitioners

Through: **Mr. Manu Sishodia and Ms. Hina Rajput, Advs. for P-1**

versus

MUNICIPAL CORPORATION OF DELHIRespondentThrough: **Mr. Rakesh Malhotra, Mr. Bharat Malhotra and Ms. Smritika Kesri, Advs. for MCD****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking directions for quashing the order dated 11th September, 2025, passed by the respondent-Municipal Corporation of Delhi ("MCD"), thereby, revoking the Sanctioned Building Plans, of the petitioner in respect of property the bearing *No. XIV/8731 (New), Shidi Pura Karol Bagh, New Delhi-110005*.
2. Learned counsel appearing for the petitioner submits that the present petition has been filed before this Court, as the appeal filed by the petitioner before the Appellate Tribunal, MCD ("ATMCD") on 06th October, 2025 and which was listed before the ATMCD on 09th October, 2025, could not be taken up for hearing, since, there was no Presiding Officer in the ATMCD at



that point of time.

3. It is submitted that the appeal of the petitioners is now listed before the ATMCD on 17th November, 2025.

4. It is submitted that since there was no Presiding Officer in the ATMCD, the present writ petition has been filed.

5. However, this Court is informed that the Presiding Officer has already resumed charge in the ATMCD from 13th October, 2025.

6. Learned counsel for the petitioners submits that though in the *interregnum* the Presiding Officer has taken charge in the ATMCD from 13th October, 2025, he submits that limited protection may be granted till the hearing of the appeal is granted by the ATMCD.

7. Accordingly, this Court records the statement made by learned counsel appearing for the petitioners that the petitioners shall press their appeal before the ATMCD. However, they may be granted protection in the interim, till the next date before the ATMCD.

8. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD, who submits that action has been taken by the MCD in accordance with law.

9. Having heard learned counsels for the parties, this Court notes the submission made by learned counsel appearing for the petitioners that the present petition was filed on 08th October, 2025, before this Court, when the Presiding Officer in the ATMCD was yet to take charge.

10. This Court further takes note of the submission made by learned counsel appearing for the petitioners that the appeal of the petitioners was filed before the ATMCD on 06th October, 2025 and was listed on 09th October, 2025. Further, on account of the fact that there was no Presiding



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Officer in the ATMCD at that point of time, the appeal of the petitioners was simply notified to 17th November, 2025, without granting any hearing to the petitioners.

11. Accordingly, considering the facts and circumstances of the present case, it is directed that no coercive action shall be taken against the property of the petitioners, till the next date of hearing before the ATMCD, i.e., 17th November, 2025.

12. It is clarified that this Court has not expressed any opinion on the merits of the case which has to be decided by the ATMCD, independently and on its own merits.

13. Rights and contentions of the parties are left open.

14. With the aforesaid directions, the present petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 16, 2025/KR

Signature Not Verified

Digitally Signed
By: HARIOM SHARMA
Signing Date: 17.10.2025
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