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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16493/2025 & CM APPL. 69275/2025**

SURYA PRAKASH GUPTA

.....Petitioner

Through: Mr. Abhijaat, Sr. Adv. with Mr.
Manish Raghav, Mr. Prakash
Srivastava, Mr. Piyush Sanghi and
Mr. Harshvardhan, Advs.

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Anubhav Gupta, PC (Civil),
GNCTD for R-1
Mr. Rakesh Malhotra, Mr. Bharat
Malhotra, Ms. Smritika Kesri and Ms.
Gayatri Bhatia, Advs. with Mr. A.K.
Bansal, AE, MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.11.2025

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CM APPL. 69275/2025

1. The present application has been filed on behalf of the petitioner seeking extension of the interim protection granted *vide* order dated 30th October, 2025.
2. Learned Senior Counsel appearing for the petitioner submits that the present matter pertains to the property bearing *No. 56-A/01, Ishwar Nagar, Mathura Road, New Delhi-110065*, wherein, the petitioner is challenging the Demolition Order dated 14th October, 2025.

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3. Learned Senior Counsel appearing for the petitioner further submits that at the time of the disposal of the present matter *vide* order dated 30th October, 2025, this Court had granted liberty to the petitioner to approach the Appellate Tribunal Municipal Corporation of Delhi (“ATMCD”), within one week of the said order.
4. Further, interim protection was also granted to the petitioner to enable the petitioner to avail the alternate remedy before the ATMCD by the said order. Thus, it is submitted that there have been certain unavoidable administrative hurdles, because of which the appeal before the ATMCD was filed on 03rd November, 2025.
5. Learned Senior Counsel further submits that though the said appeal was filed on 03rd November, 2025, however, due to certain objections raised by the Registry of the ATMCD, the appeal is still to be listed.
6. Thus, it is submitted that the interim protection granted by this Court *vide* order dated 30th October, 2025, has expired yesterday, i.e., on 06th November, 2025. It is submitted that a limited protection may be granted to the petitioner in terms of the order dated 30th October, 2025, till the appeal is listed before the ATMCD.
7. Responding to the present application, learned counsel appearing for the respondent-MCD has handed over photographs of the property in question, to submit that from the date when protection was granted to the property of the petitioner, i.e., 30th October, 2025 till date, the petitioner is still carrying out further construction in the property in question.
8. The photographs of the property in question, as captured on 31st October, 2025, have been handed over to this Court, and are reproduced as under:



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This is a digitally signed order.

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9. Further, the photograph of the property in question, as taken yesterday, i.e., 06th November, 2025, is reproduced as below:



10. Perusal of the aforesaid photographs clearly shows that there has been further construction raised by the petitioner in the property in question.

11. Though this Court had granted protection to the petitioner in that no coercive action shall be taken by the MCD for a period of one week, for allowing the petitioner to file an appeal before the ATMCD, in the garb of such protection, the petitioner was not entitled to carry out any further construction in the property in question.



12. This Court has taken a very serious view of this matter.
13. At this stage, learned Senior Counsel appearing for the petitioner submits that the petitioner shall not carry out any further construction, till leave is granted by the ATMCD.
14. Accordingly, it is directed that no further construction that has been carried out by the petitioner in the property in question, after the interim order dated 30th October, 2025, passed by this Court shall inure to the benefit of the petitioner, and the petitioner shall not claim any equity or benefit on account of any construction in the property in question, having been carried out by the petitioner.
15. Further, the petitioner shall not occupy the property in question, during the pendency of the appeal before the ATMCD or till any order in that regard is passed by the ATMCD.
16. Accordingly, considering the submissions made before this Court, it is directed that the protection granted by this Court that no coercive action be taken against the property of the petitioner, is extended for a limited period till 12th November, 2025.
17. It is further directed that the petitioner shall not carry out any further construction in the property in question.
18. With the aforesaid directions, the present application is disposed of.

MINI PUSHKARNA, J

NOVEMBER 7, 2025/KR