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

+ W.P.(C) 19468/2025, CM APPL. 81173/2025 & CM APPL.
81174/2025

MOHD. SHAMIM HASAN & ORS.

.....Petitioners

Through: Ms. Zeba Khair and Ms. Harshita
Singhal, Advs. with Petitioner in
person
M: 7602025354
Email:
singhal.harshita06@gmail.com

versus

THE COMMISSIONER & ORS.

.....Respondents

Through: Mr. Kapil Dutta, Adv. for MCD
M: 9811135509
Email: kapilduttamcd@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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22.12.2025

1. The present writ petition has been filed seeking to set aside the Demolition Order dated 12th December, 2025, issued by the Municipal Corporation of Delhi ("MCD"), which is stated to have been pasted on the wall of the property bearing No. 5/6, Gali No. 3, Near Electric Pole No. 532-36/1, Near Nala Sanga, Wazirabad, Delhi.
2. Learned counsel appearing for the petitioners submits that the petitioners are the *bona fide* purchasers and persons in lawful possession of the subject property. The impugned Demolition Order has been issued in the



name of respondent no. 5, who is neither the owner, nor the occupier of the subject property, but was merely engaged as a contractor for renovation work. It is submitted that all the proceedings before the MCD have been conducted behind the back of the petitioners in gross violation of the mandatory statutory procedure and Principles of Natural Justice.

3. Attention of this Court is drawn to the Demolition Order dated 12th December, 2025, to submit that the said Demolition Order makes a mention of a Show Cause Notice dated 21st November, 2025.

4. Learned counsel appearing for the petitioners submits that no such Show Cause Notice was ever received by the petitioners. Thus, the present writ petition has been filed.

5. Responding to the present writ petition, learned counsel appearing for respondent no. 1 and 2-MCD, submits that due procedure was followed by the MCD, before passing of the Demolition Order.

6. Having heard learned counsels appearing for the parties, and considering the submissions made before this Court, the petitioners are granted liberty to approach the Appellate Tribunal MCD (“ATMCD”) to file a statutory appeal, in terms of the Delhi Municipal Corporation Act, 1957 (“DMC Act, 1957”).

7. The petitioners are granted liberty to file an appeal before the ATMCD, within a period of three weeks, from today.

8. Upon the petitioners filing the appeal before the ATMCD within a period of three weeks, the same shall be duly considered by the ATMCD on its own merits.

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

10. It is clarified that this Court has not expressed any opinion on the



merits of the case.

11. It is further directed that no coercive action shall be taken against the property of the petitioners for a period of three weeks, from today.
12. Needless to state that no further construction shall be carried out by the petitioners, except with due permission of the MCD.
13. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.
14. *Dasti* under the signatures of Court Master.

MINI PUSHKARNA, J

DECEMBER 22, 2025/Kr