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

+ **W.P.(C) 6540/2026 & CM APPL. 32295-32297/2026**

AMARJOT SINGH SETHI

.....Petitioner

Through: Mr. Pawanjit Singh Bindra with Ms. Puja Jakhar, Mr. Harshit Prakash, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Umang Tyagi, Mr. Sanyam Dahiya, Mr. Zuber Ali, Advocates for intervenor.
Mr. Ashutosh Gupta and Mr. Pulhit Garg, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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22.05.2026

1. The present writ petition has been filed seeking the following reliefs:-

- i. the purported "withdrawal" of the Protection Order dated 31.03.2023 in respect of Property No. B-2, Model Town, Delhi, and any internal orders or notings of the MCD to that effect;
- ii. the Demolition Order dated 25.03.2025 bearing No. D-334/EE/Bldg-II/KPZ/2025 passed under Section 343(1) read with Section 491 DMC Act;



- iii. the Sealing Order dated 04.06.2025 passed under Section 345-A DMC Act in respect of Property No. B-2, Model Town, Delhi;
 - iv. all consequential actions, demolition/sealing programmes, notices and proceedings initiated by the Respondent-MCD after 12.09.2024 in pursuance of or founded upon the said “withdrawal”, demolition and sealing orders, in respect of the Subject Property No. B-2, Model Town, Delhi;
2. The petitioner is the owner and occupier of the first floor eastern (back) portion with mezzanine in property bearing No. B-1, Model Town, Delhi. The petitioner purchased the subject property *vide* registered sale deed dated 10th April, 2019. The intervenor is the owner of the second and third floor of the subject property.
3. Pursuant to demolition order dated 9th December, 2020, demolition action was taken against the subject property. Subsequently, on 31st March, 2023 a protection order *qua* the ground floor and the first floor of the subject property was passed by MCD, holding that the said portions of the construction existed prior to 2007 and hence, were entitled to protection under the National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. Thereafter, the said protection was withdrawn by the respondent/MCD *vide* show cause notice dated 1st October, 2024, and a fresh demolition order was passed on 25th March, 2025 *qua* the ground floor and first floor of the subject property.
4. The owners of the ground floor approached the Appellate Tribunal,



MCD (hereinafter 'ATMCD') against the aforesaid demolition order and *vide* order dated 12th May, 2026, the aforesaid demolition order was set aside. Paragraphs 7 and 11 of the said order are set out below:-

7. I have perused the record. It is admitted fact that the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 was given to the ground and the first floor *vide* order dated 31.03.2023. The intervener challenged that protection in W.P.(C) No.3581/24 where the MCD filed status report stating that protection is to be withdrawn by passing fresh order. The protection granted on 31.03.2023 was withdrawn unilaterally without providing any opportunity of being heard to the appellants. The Hon'ble High Court never directed in this Writ Petition to withdraw the order dated 31.03.2023. The order dated 25.03.2025 is liable to be set aside on this ground alone.

11. In these facts, the construction at the ground floor being old and prior to 08.02.2007 is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 till the act if in force. Therefore, the demolition order dated 25.03.2025 and the sealing order dated 04.06.2025 are kept in abeyance for the ground floor of property No. B-2, Model Town, New Delhi. The respondent/MCD shall be at liberty to take action once the Act ceases to be in force. Both the appeals stand disposed of."

5. The petitioner tried to intervene in those proceedings by filing an application under Order I Rule 10 CPC, which was rejected by the ATMCD. Hence, the petitioner has approached this Court by way of the present writ petition stating that he is identically placed as the owners/occupiers of the ground floor and hence, is entitled to protection under the National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

6. Having heard the counsel for the petitioner, MCD, as well as the intervenor, the present writ petition is disposed of while directing the respondent/MCD to pass a fresh speaking order *qua* the the petitioner's property, keeping in mind the observations made by the ATMCD in the order passed on 12th May, 2026 *qua* the ground floor of the subject property.



7. The speaking order shall be passed after giving personal hearing to the petitioner as well as the intervenors.
8. Pending application also stands disposed of.

AMIT BANSAL, J

MAY 22, 2026

Vivek/-