



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1297/2026, CM APPL. 38579/2026 & CM APPL. 38580/2026

RACHNA BADHWAR & ORS.Petitioners
Through: Mr. Vinod Kr. Mantoo, Ms. Niharika
Mantoo, Mr. Hem Kumar, Advs.
versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Akhil Mittal, SC for MCD with
Ms. Riddhi Jai, Ms. Shayna Das
Pattanayk, Advs.
Mr. Prabhat Kumar, Adv. for MCD.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **03.06.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 227 of the Constitution of India, 1950, seeks the following prayers: -

“a) Set aside the impugned order dated 30.05.2026 passed by the Ld. Principal District and Session Judge South-West/ Dwarka Court in No.04/2026 titled "Rachna Badhwar & Ors Vs MCD in respect of Property No. C-5C/28A Ground Floor Janak Puri New Delhi- 110058;

b) Direct maintenance of status quo with respect to the aforesaid property till consideration and disposal of the Petitioners' interim application/ main appeal bearing MCD Appeal No.04/2026 titled "Rachna Badhwar & Ors Vs MCD pending before the Hon'ble Court of Principal D&SJ, South West, Dwarka Court1 New Delhi;

c) Extend/continue the protection granted vide order dated 13.05.2026 in Writ Petition no. W.P.(C.) No.6528/2026till the appellate authority considers the Petitioners' interim application/



main appeal;

d) Pass such further order(s) as this Hon'ble Court may deem fit and proper.”

3. Learned counsel for the petitioners points out that *vide* order dated 13.05.2026, learned Single Judge of this Court. while disposing of the writ petition bearing no. W.P. (C) 6532/2026 and other connected matter, had passed the following order: -

“1. The present writ petition has been filed challenging the common order dated 6th May, 2026, passed by the Appellate Tribunal, MCD (hereinafter 'ATMCD'), in the appeals filed by the petitioner, whereby the appeals were dismissed on the ground of limitation.

2. Counsel appearing on behalf of the respondent/MCD points out that the aforesaid order is appealable in terms of Section 347-D of the Delhi Municipal Corporation Act, 1957 (hereinafter 'DMC Act').

3. In terms of the judgment passed by the Supreme Court in ***Amrik Singh Lyallpuri vs. Union of India***, (2011) 6 SCC 535, the Appellate Authority under Section 347-D of the DMC Act would be the District Judge instead of the Administrator.

4. Accordingly, the present writ petitions are disposed of, while giving liberty to the petitioners to invoke the statutory remedy of appeal.

5. No coercive steps shall be taken against the petitioners for a period of three (3) weeks, in order for the petitioners to invoke the statutory remedy of appeal.

6. Pending applications also stand disposed of.”

4. Learned counsel for the petitioners submits that the appeal has been filed; however, no interim protection has been granted, despite an application



of stay being filed along with the said appeal.

5. Learned counsel for the respondent submits that the protection granted by the learned Single Judge was only till filing of the said appeal.

6. Be that as it may, the present petition is disposed of, requesting the learned Principal District and Session Judge South-West, Dwarka Courts, to decide the interim application filed along with appeal on behalf of the petitioners.

7. No coercive steps shall be taken against the petitioners, till the said application is decided.

8. Copy of the order be sent to the concerned learned Trial Court/learned Principal District and Session Judge South-West, Dwarka Court, for necessary information and compliance.

9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J
(VACATION JUDGE)

JUNE 3, 2026/kr