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

+ W.P.(C) 13380/2025 CM APPL. 66563-65/2025 & CM APPL. 68898/2025, CM APPL. 79642/2025 & CRL MA. 25876-77/2025

SHAAN HASHMI AND ORS

.....Petitioners

Through: Md. Azam Ansari and Mr. Afjal Ansari, Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Harsh Singhal, Ms. Mugdha Avnish & Mr. Utkarsh Singhal, Advs. for R-2.
Ms kirti Garg Advocate for R-6/BSES RPL.
Mr. Sohail Khan, Advocate with Mr. Syed Tavish Hashmi, Advocate alongwith for R-3, 4 & 5.

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+ W.P.(C) 18725/2025, CM APPL. 79668/2025 & CM APPL. 79669/2025

NADEEM AHMED, & ANR.

.....Petitioners

Through: Mr. Sohail Khan, Advocate with Mr. Syed Tavish Hashmi, Advocate alongwith petitioners.

versus

MUNICIPAL CORPORATION OF DELHI (MCD), & ORS.

.....Respondents

Through: Mr. Soumava Karmakar, Senior Panel Counsel & Ms. Jyoti Bajaj Advocate for Delhi Police.
Ms kirti Garg Advocate for R-3/BSES RPL.
Mr. Sandeep Chaudhary, Advocate for R-4.



Md. Azam Ansari and Mr. Afjal
Ansari, Advs. for R-6 to 18.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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13.01.2026

1. The petitioners in the instant petitions have challenged the demolition/vacation notice dated 03.11.2025 issued by the Municipal Corporation of India ['MCD']. Various submissions have been made by learned counsel appearing for the petitioners and *vide* order dated 04.11.2025, the Court has succinctly captured the arguments and passed the interim order. The submissions precisely are three folds which have been recorded in paragraph no.2 of the said order. For the sake of clarity, paragraph no.2 of the order dated is extracted as under:

"2. The grievance of the petitioners are three-fold:

(i) Learned counsel for the petitioners submit that the said notice has been issued at the instigation of the respondent nos. 3 to 5, who are desirous of illegally opening a Gym on the ground floor of the property in question, with regard to which, order dated 01.09.2025 has been passed by this Court. It is submitted that after the filing of the present petition, the respondent nos. 3 to 5 have been threatening the petitioners/applicants. The same also impelled the petitioners to file W.P.(CRL) 3484/2025, in which certain interim protection has also been granted by the concerned Court.

(ii) It is submitted that the impugned notice refers to an order of demolition under Section 343(1) of the Delhi Municipal Corporation Act, 1957 (DMC Act, 1957) vide file No. 829/B/UC/EE(B)-I/CNZ/16 dated 10.10.2016 and 232/B/UC/EE(B)-I/CNZ/17 dated 29.03.2017. It is submitted that although the said file numbers are of 2016 and 2017 respectively, no subsequent notice/intimation whatsoever has been given to the petitioners. Further, the petitioners were inducted into the property by the erstwhile builder only after date of the concerned file numbers referred to in paragraph no. 1 of the impugned vacation notice under 343(1) DMC Act, 1957.

(iii) It is further submitted that the said order has the impact of requiring the petitioners to vacate their residential abode without following the due



process of law, and the said action shall virtually render the petitioners homeless and destitute. It is emphasised that at the very least, it was incumbent on the concerned officials of the MCD to issue a prior notice and afford an opportunity of hearing to the petitioners/applicants/residents of the building before the issuing the said vacation notice.”

2. If the provisions of Section 347B of the Delhi Municipal Corporation (DMC) Act, 1957 are perused, it would indicate that under sub-Section 2 thereof, an appeal would lie to the Appellate Tribunal within a period of 30 days from the notice. The Tribunal also has the power to condone the delay if the reasons are explained and the Tribunal is satisfied.
3. Looking at the nature of the grievance raised by the petitioners, the Court is of the considered opinion that the petitioners must approach the Appellate Tribunal in accordance with law with the aforesaid provisions.
4. Let the petitioners to file an appeal within a period of two weeks from today along with an application seeking interim protection.
5. If such an appeal with an application is filed, let the same be decided in accordance with law.
6. Till the application for stay is decided, the order dated 04.11.2025 shall remain in force.
7. The liberty is also granted to the petitioners in W.P.(C) 18725/2025 to raise their grievance in the appeal which is proposed to be filed by the petitioners in W.P.(C) 13380/2025.
8. Both the petitions stand disposed of.
9. All rights and contentions of the parties on merit stand reserved.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 13, 2026/P/MJ