
(2025) 09 DEL CK 0710

In the Delhi High Court

Case No : Civil Miscellaneous Petition No. 1914 Of 2025, Civil Miscellaneous Application Nos. 61731 61732 Of 2025

Chameli Devi

APPELLANT

Vs

Ashwani Kumar & Anr

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2025) 09 DEL CK 0710

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : O.P. Gutpa, Megha Gupta, Umakant Mishra

Judgement

Girish Kathpalia, J

1. The petitioner has approached this court invoking jurisdiction under Article 227 of the Constitution of India because the Appellate Tribunal MCD is currently not functional and is awaiting appointment of a Presiding Officer.
2. It is contended on behalf of petitioner that in case her appeal is not heard, the subject property may be demolished by the respondent/MCD. It appears that the appeal filed by the petitioner was listed on 03.09.2025 before the Appellate Tribunal MCD but since the Presiding Officer is yet to join, Reader of the Tribunal adjourned the appeal to 19.09.2025.
3. Learned counsel for respondents appearing on advance intimation accepts notice and in all fairness submits that without respective rights and contentions of the parties, no precipitative action shall be taken by the respondent/MCD against the subject property till stay application in the appeal of the petitioner is heard by the Appellate Tribunal MCD.
4. In view of the above assurance on behalf of respondent/MCD, learned counsel for petitioner requests that the petition may be disposed of.

5. Accordingly, the petition and the interim application stand disposed of, directing the respondent/MCD not to take any precipitative action against the subject property till the stay application in appeal filed by the petitioner is heard by the Appellate Tribunal MCD. Pending application also stands disposed of.