
(2025) 08 DEL CK 0757

In the Delhi High Court

Case No : Writ Petition (C) No. 12679 Of 2025 & Civil Miscellaneous Application
No. 51719 Of 2025

Dr. Deepak Madan

APPELLANT

Vs

Municipal Corporation Of Delhi & Ors

RESPONDENT

Date of Decision : 21-08-2025

Acts Referred:

Delhi Municipal Corporation Act, 1957 — Section 435

Citation : (2025) 08 DEL CK 0757

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Arpit Bhalla, Lakshay Kaushik, Dheeraj Singh, Deepali Verma

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed seeking quashing of the Communication dated 23rd December, 2024, and the Notice dated 11th August, 2025, issued by the respondent-Municipal Corporation of Delhi ("MCD"), with respect to the property bearing no. BG-6/250-B, Paschim Vihar, Delhi-110063.
2. It is submitted that in the Notice dated 11th August, 2025, issued to the petitioner, the respondents have mentioned some previous date on which the MCD had allegedly booked the property in question.
3. However, it is submitted that no such order or notice for booking was received by the petitioner ever, and thus, Principles of Natural Justice, have not been complied with.
4. It is submitted that the property in question was demolished on 16th May, 2025. It is further submitted that at that time also, no notice had been served. It is submitted that it is only now, on 11th August, 2025, that the petitioner has received the Notice under Section 435 of the Delhi Municipal Corporation Act,

1957 ("DMC Act").

5. Thus, it is submitted that upon receipt of the aforesaid Notice, the petitioner herein has filed an appeal before the Appellate Tribunal MCD ("ATMCD") on 18th August, 2025.

6. It is submitted that the present writ petition has been filed, since there is no Presiding Officer in the ATMCD currently.

7. Per contra, learned counsel appearing for the respondent-MCD, on advance notice, submits that a Demolition Order dated 6th March, 2025, was sent by Speed Post in the name of the petitioner on 8th March, 2025.

8. He, thus, submits that the petitioner is aware of the Demolition Order passed by the MCD.

9. Responding to the same, learned counsel appearing for the petitioner submits that the property in question is in the name of the petitioner herein, and not in the name of his son. Further, he denies receiving any Show Cause Notice.

10. Be that as it may, having heard the learned counsels for the parties, it is to be noted that it is the case of the petitioner that an appeal before the ATMCD has already been filed, and only on account of there being no Presiding Officer in the ATMCD currently, the present writ petition has been filed. Thus, this Court is of the view that the matter ought to be heard by the ATMCD.

11. This Court is informed that the next date before the ATMCD is 12th September, 2025.

12. Considering the fact that currently, there is no Presiding Officer in the ATMCD, it is directed no coercive action shall be taken against the property in question, till the next date of hearing before the ATMCD, i.e., 12th September, 2025.

13. Further, in case, the Presiding Officer of the ATMCD does not take charge even on the next date of hearing, i.e., 12th September, 2025, the protection granted today shall extend automatically to the next date, which is given by the ATMCD.

14. However, in case, the Presiding Officer of the ATMCD takes charge in the meanwhile, it is directed that the petitioner shall file an appropriate application before the ATMCD for taking up his appeal, within a period of two weeks of the Presiding Officer of ATMCD taking charge.

15. It is clarified that this Court has not expressed any opinion on the merits of the present case.

16. The present order is being passed only with a view to allow an opportunity to the petitioner to argue his appeal before the ATMCD.

17. With the aforesaid directions, the present writ petition, along with the

pending application, is accordingly disposed of.