

(2025) 06 DEL CK 0651

In the Delhi High Court

Case No : Writ Petition (C) No. 8472 Of 2025 & Civil Miscellaneous Application
No. 36828 Of 2025

Mohd Iqbal & Ors

APPELLANT

Vs

Municipal Corporation Of Delhi & Anr

RESPONDENT

Date of Decision : 27-06-2025

Acts Referred:

Citation : (2025) 06 DEL CK 0651

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Vinod Kumar Mantoo, Hem Kumar, Nupur Mantoo, Arjun Mahajan,
Apoorv Upamanyu, Harsh Vashisht, Bhagwan Swarup Shukla

Final Decision : Disposed Of

Judgement

Manoj Jain, J

1. Petitioner had earlier filed an appeal before the learned Appellate Tribunal, MCD which was registered as Appeal No.195/2025. Such appeal was dismissed by the learned Appellate Tribunal on 03.06.2025.

2. Said order has been further assailed by the petitioner by filing an appeal before the learned Principal District & Sessions Judge, which has been registered as MCD Appeal No.12/2025. It was taken up for consideration by District Judge – 07, Central, while sitting as a Vacation Bench but the concerned Court did not pass any order observing that there was no delegation of judicial power of Principal District & Sessions Judge to him and, therefore, the aspect related to interim relief could not be considered and the abovesaid appeal has now been posted before the learned Principal District & Sessions Judge on 01.07.2025 at 2:00 pm.

3. The petitioner apprehends that in the meanwhile, as there is no interim relief or stay in the matter, the respondent Corporation may demolish the entire building. It is also brought to the notice of the Court that partial demolition has

already taken place and, lastly, the building was, partially, demolished on 26.06.2025 i.e. yesterday.

4. Since the appeal filed by the petitioner is now coming up for further hearing before the concerned Court of learned Principal District & Sessions Judge on 01.07.2025, the present petition is disposed of with direction that, in the interregnum, no further precipitative step, with respect to further demolition, be taken.

5. The Appellate Court i.e. the Court of learned Principal District & Sessions Judge, Central would be at liberty to take up the abovesaid appeal on 01.07.2025 and would be at liberty to dispose of the matter in accordance with law, after giving due opportunity of hearing to both the sides.

6. Needless to emphasize, the abovesaid order has been passed in view of the peculiar facts of the case and there is no observation on merits of the case as such.

7. The petition stands disposed of in aforesaid terms.

8. Pending applications, if any, also stand disposed of.

9. Copy of the order be given dasti under the signatures of Court Master.