
(2025) 09 DEL CK 0717

In the Delhi High Court

Case No : Writ Petition (C) No. 15062 Of 2025, Civil Miscellaneous Application
No. 62006, 62007 Of 2025

Rachna Badhwar & Ors

APPELLANT

Vs

Municipal Corporation Of Delhi

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Citation : (2025) 09 DEL CK 0717

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Parag Chawla, Vineet Chadha, Anmol Sethi, Parminder Singh

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed by the petitioners, seeking prayer for restraining the respondent from taking any coercive action against the property of the petitioner bearing DDA Flat No. C-5C/28A, Janakpuri, New Delhi-110058, till the hearing and disposal of the Appeal Nos. 561/2025, filed by the petitioners against the Demolition Order before the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD").

2. It is submitted that the petitioners are co-owners and in possession of the flat in question.

3. Learned counsel appearing for the petitioners submits that the petitioners had earlier filed an appeal before the ATMCD against the Vacation Notice dated 11th July, 2025. Subsequently, when the aforesaid Demolition Order and other notices issued by the MCD were brought to the notice of the petitioners, the petitioners filed a fresh appeal before the ATMCD on 05th August, 2025, challenging the various orders passed by the MCD.

4. Since there is no Presiding Officer in the ATMCD currently, the present writ

petition has been filed seeking a limited protection.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD, who confirms the fact that currently there is no Presiding Officer in the ATMCD.

6. Having heard the learned counsels for the parties, and without going into the merits of the case, it is directed that since the petitioners have already filed appeals before the ATMCD, no coercive action shall be taken against the petitioners, till a hearing is granted by the ATMCD.

7. It is clarified that, in case, there is no Presiding Officer in the ATMCD even by the next date of hearing, the protection granted today, shall extend to any next date which is given by the ATMCD.

8. It is further directed that whenever the Presiding Officer of the ATMCD takes charge, within two weeks thereafter, the petitioners herein shall move an application before the ATMCD for taking up their appeals for hearing.

9. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD independently, after hearing the parties.

10. Rights and contentions of all the parties are left open, and are to be decided in appropriate proceedings.

11. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.