

(2025) 12 DEL CK 0014

Delhi HC

Case No: Writ Petition (C) No. 18639 Of 2025 & Civil Miscellaneous Application Nos.
77519-77520 Of 2025

Ateeb Raza & Ors.

APPELLANT

Vs

Municipal Corporation Of Delhi

RESPONDENT

Date of Decision: Dec. 8, 2025

Hon'ble Judges: Mini Pushkarna, J

Bench: Single Bench

Advocate: Sanjay Ghose, Imran Khan, Tanya Agarwal, Krishna Kumar Yadav, Sameer,
Rohan, Ashutosh Gupta

Final Decision: Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed seeking directions to the respondent and its officials not to take any coercive action of demolition against the property of the petitioners bearing No. 3023-3026, Charkhewalan, Ballimaran, Hauz Qazi, Delhi-110006, without following the due process of law and granting the opportunity of hearing to the petitioners.

2. Learned Senior Counsel appearing for the petitioners submits that the petitioners are the joint owners, and are in possession of the property in question. The petitioner nos. 1 and 2 jointly purchased 25% of the undivided share, out of total area measuring about 120 sq. yds. of the subject property on 28th March, 2025, by way of a registered sale deed.

3. On the same date, the remaining 75% undivided share of the property in question was also sold to one Mr. Abhay Singh Yadav. Subsequently, on 04th November, 2025, petitioner nos. 3 to 6 purchased the aforesaid 75% undivided share from Mr. Abhay Singh Yadav by way of four separate sale deeds each in respect of 18.75% undivided share of the property in question.

4. It is submitted that the petitioners have now come to know that there are some demolition orders that have been passed against the property in question by the MCD, on the basis of which, action is likely to be taken. Thus, the present writ petition has been filed, since, it is the case on behalf of the petitioners that neither the petitioners nor their predecessors-in-interest have been granted any opportunity of hearing or served with any notice by the respondent-Municipal Corporation of Delhi ("MCD").

5. Further, learned Senior Counsel appearing for the petitioners submits that the petitioners have not carried out any unauthorized construction. Thus, it is submitted only limited protection be granted to the petitioners, so that the petitioners are able to seek

their remedies, in accordance with law.

6. Responding to the present writ petition, learned counsel appearing for the MCD submits that Show Cause Notices were duly issued in respect of the property in question and after receipt of the respective replies, demolition and sealing orders have been passed. It is further submitted that a reply was filed on behalf of one Mr. Abhay Yadav.

7. Be that it as may, having heard learned counsels for the parties, it is directed that a copy of the demolition and sealing order, as passed by the MCD, be supplied to the petitioners on the Emails of the counsels for the petitioners, which are reflected in today's order.

8. The petitioners are granted liberty to challenge the demolition and sealing orders, in accordance with law. For this purpose, three weeks' time is granted to the petitioners.

9. It is further directed that no coercive action shall be taken against the property of the petitioners for a period of three weeks, in order to allow the petitioners to seek their remedies, as per the statutory provisions.

10. Further, considering the submissions made on behalf of learned counsel appearing for the MCD, it is directed that the petitioners shall not carry out any fresh construction in the property in question.

11. At this stage, learned Senior Counsel appearing for the petitioners submits that the petitioners undertake not to carry out any fresh construction and further, to maintain the status quo.

12. The aforesaid undertaking is taken note of and the petitioners are held bound by the said undertaking to maintain status quo, as regards the construction in the property in question.

13. This Court also takes note of the submission made by learned Senior Counsel appearing for the petitioners that the petitioners also be granted the liberty to approach the MCD to file an application for regularization of their respective portions.

14. Liberty is so granted.

15. Learned Senior Counsel appearing for the petitioners submits that they shall file an application for regularization of the existing construction within a period of three weeks, from today.

16. The aforesaid statement is taken note of.

17. The petitioners shall do the needful and file the requisite regularization applications before the MCD, in accordance with the policy of the MCD.

18. As and when such applications for regularization are filed by the petitioners, the same shall be considered by the MCD expeditiously, preferably, within a period of two months from receipt of the said applications.

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