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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14394/2024, CM APPLs. 60276-78/2024

MOHD AHSAN QURESHI

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Vikram Singh, Mr.
Yashpriya Sahran, Mr. Nikhil
Beniwal, Mr. Navish Bhati, Mr.
Mahabir Singh & Ms. Shipra Bali,
Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Mr. Ranjeet Pandey, Standing
Counsel for MCD with Ms.
Mansha, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
14.10.2024

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1. The writ petitioner has approached this Court for an order restraining the respondent- Municipal Corporation of Delhi ["MCD"] from demolishing his property [*House No. 6/1, Sham Nath Marg, Behind Masjid, Civil Lines, Delhi-110054*]. The petitioner also challenges vacation notices dated 27.10.2020, 05.04.2022 and 23.01.2024, issued by MCD, directing the petitioner to vacate the property for the purposes of demolition.



2. Even according to the petitioner, he has been served with three vacation notices, the first of which is dated 27.10.2020 i.e., almost four years ago. The second vacation notice was issued on 05.04.2022, and the last of the notices was issued more than eight months ago on 23.01.2024. Each of the vacation notices refers to orders of demolition which have already been passed under Section 343 of the Delhi Municipal Corporation Act, 1957.

3. The only contention in the writ petition is that the demolition order has not been served upon the petitioner, and that the petitioner has approached the MCD for a copy of the same which has not yet been provided.

4. The petitioner has, however, not placed a single letter on record by which he asked the MCD for a copy of the demolition order. The petitioner also neither instituted proceedings seeking a copy of the demolition order, nor did he assail the vacation orders in any way.

5. Mr. Sunil Dalal, learned Senior Counsel for the petitioner, states that the petitioner was complacent because MCD proceeded to take action only in respect of the neighbouring property, which also bears the same municipal number. However, the petitioner has been provoked into filing of this petition in view of the fact that MCD has now reached his door step on 08.10.2024.

6. This contention of Mr. Dalal does not find reflection in the writ petition. In any event, the first vacation notice dated 27.10.2020 is specifically addressed to the petitioner by name. It is not the case, even according to Mr. Dalal, that the owner of the neighbouring property is also “Sh. Ahsan Qureshi”. The second and third vacation notices are also



addressed to the petitioner by name, and refer to the third and fourth floor of the property. Mr. Dalal accepts that to this extent, the notices are referable to the petitioner's property. In view of the above, I am unable to accept Mr. Dalal's oral submission, unsupported by any pleading in the writ petition, that the petitioner thought that these vacations notices are intended for the property neighbouring the petitioner's property.

7. Mr. Ranjeet Pandey, learned Standing Counsel for MCD, states that the demolition order was in fact passed on 16.08.2019, and a copy will be served upon learned counsel for the petitioner in the course of the day.

8. Mr. Dalal states that the petitioner wishes to assail the demolition order before the Appellate Tribunal for Municipal Corporation of Delhi ["ATMCD"]. The petitioner is free to do so, subject to MCD's objection as to limitation for filing of the appeal, which aspect will be considered by the ATMCD if and when the appeal is filed.

9. The petition stands disposed of accordingly.

PRATEEK JALAN, J

OCTOBER 14, 2024

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