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

+ **W.P.(C) 561/2025 and CM APPL. 2658/2025**

POONAM DEVI

.....Petitioner

Through: Ms. Jyoti Nambiar and Mr. Kunal Narwal, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ANR.**

.....Respondents

Through: Ms. Saroj Bidawat, Standing Counsel for R1.

Mr. Abhishek Khanna, Senior Panel Counsel with Mr. Parvesh Khanna, Advocate for R2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of the vacation order dated 07.01.2025 as being arbitrary and illegal and contrary to the directions of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

2. The main grievance raised by counsel for the Petitioner is that the application filed by the Petitioner for regularization of H. No. 54, Gali no. 3, Karawal Nagar Extension, Delhi ('subject property') is pending with Respondent No.1/MCD and without taking any decision with respect to regularization, MCD has sent the impugned vacation notice, also overlooking the fact that Petitioner has been residing in the property for the last 30 years.

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3. Ms. Saroj Bidawat, learned Standing counsel appearing on behalf of Respondent No.1/MCD hands over a copy of letter dated 16.01.2025, which is a communication to the Petitioner informing her that her application for regularisation of the subject property has been rejected. Copy has been handed over to the counsel for the Petitioner during the course of hearing, and on instructions, she seeks to withdraw this writ petition to approach the Appellate Tribunal, MCD under Section 347B of the DMC Act, 1957 to challenge the said order. Letter is taken on record.

4. Accordingly, this writ petition is disposed of as withdrawn giving liberty to the Petitioner to challenge the decision of MCD whereby Petitioner's request for regularisation of subject property has been rejected. In case the Petitioner approaches the ATMCD within a period of two weeks from today, the vacation notice will remain stayed for a further period of four weeks.

5. Needless to state, after the ATMCD takes up the matter for consideration, it will be open to the ATMCD, to vacate, vary or modify the said order, in accordance with law.

6. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 20, 2025/jg

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