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

+ **W.P.(C) 2171/2021 & CM APPL. 6299/2021**

SUMIT

.....Petitioner

Through: Mr. Kartickay Mathur, Mr. Shankar
and Mr. Shubham Mishra, Advocates.

versus

**NORTH DELHI MUNICIPAL
CORPORATION**

.....Respondent

Through: Mr. Anand Prakash, SC with Ms.
Varsha and Mr. Salbeer Prajapati, Advocates.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
19.02.2025**

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1. This writ petition is preferred by the Petitioner challenging vacation notice under Section 349 of Delhi Municipal Corporation Act, 1957 ('1957 Act') dated 11.01.2021 issued by MCD directing the Petitioner to vacate property bearing No.6453, Factory Road, Nabi Karim, New Delhi. Case of the Petitioner is that father of the Petitioner purchased the subject property by means of registered sale deed from Sh. Manmohan Singh on 15.11.2010. Father of the Petitioner expired on 30.12.2020 and Petitioner continued to reside in the property and is paying the electricity bill. It is Petitioner's case that the vacation notice has been illegally issued by MCD and assuming there is any unauthorised construction, Petitioner is willing to pay the regularisation/compounding charges and the construction/deviation, if any, be regularised.



2. Learned counsel for the Petitioner submits that Petitioner has made an application on 14.02.2025 seeking regularisation and direction be issued to decide the same. It is further submitted that vide interim order dated 21.01.2021, Court had directed that no coercive action shall be taken against the Petitioner and the same be continued till a decision is taken by MCD. This is without prejudice to the contention of the Petitioner that there is no unauthorised construction in the subject property.
3. Mr. Anand Prakash, learned Standing Counsel for MCD submits that Petitioner's application for regularisation of the unauthorized construction/deviation in the subject property has not been received so far and in case an application is made, the same shall be considered in accordance with law within a period of four weeks from today.
4. Learned counsel for Petitioner responds by submitting that application has been duly received in the concerned office of MCD on 14.02.2025 nevertheless another copy has been handed over in Court to the learned counsel for MCD. This fact is duly acknowledged by Mr. Prakash.
5. This writ petition is accordingly disposed of, without entering into the merits of the case, with a direction to MCD to dispose of the application made by the Petitioner within four weeks from today, in accordance with law. The decision so taken will be communicated to the Petitioner within one week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies in case of any surviving or further grievance.
6. Interim order dated 21.01.2021 shall continue to operate till the decision is communicated to the Petitioner and for a period of four weeks thereafter, to enable the Petitioner to avail the legal remedies, in the event the decision is against him.



7. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 19, 2025/shivam