



\$~50

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

+ W.P.(C) 5361/2025

GANESH DASS NAKRA

.....Petitioner

Through: Mr. Bharat Bagga, Advocate

versus

MUNCIPAL CORPORATION OF DELHI NORTH ZONE & ANR.

.....Respondent

Through: Ms. Reema Khorana and Mr. Vikash
Kumar, Advocates for R-1/MCD

M: 9811135752, 9868378693

Email:

reemakhorana@rediffmail.com

Mr. Kunal Kalra, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

29.04.2025

1. The present writ petition has been filed for quashing of the impugned notice for vacation dated 17th April, 2025, issued by the Municipal Corporation of Delhi ("MCD"), under Section 349 of Delhi Municipal Corporation Act, 1957, ("DMC") with regard to the property in question, i.e., *F-242, Ground and First Floor, Sector-14, Prashant Vihar, Delhi-110085*.

2. The present writ petition has been filed on the premise that the petitioner has received only a Show Cause Notice dated 20th November, 2024, pursuant to which, a reply dated 26th November, 2024, was filed by the petitioner. However, no Demolition Order has been served to the



petitioner, till date. When the matter was listed for hearing on 25th April, 2025, the aforesaid submission made by the petitioner was disputed by the learned counsels for the respondents, and this Court had passed an order dated 25th April, 2025, in the following manner:

“xxx xxx xxx

5. Per contra, learned counsel appearing for the respondent nos. 1 & 2, submits that a suit for injunction has already been filed by the respondent no. 2 against the petitioner herein, which is pending adjudication before the Court of learned Senior Civil Judge, Rohini Courts, Delhi. It is submitted that in the said suit, directions have been issued to take action against the unauthorized construction existing in the property of the petitioner.

6. It is further submitted that the MCD has already filed their Status Report in the said suit before the learned Trial Court, wherein, the demolition order has been attached. Thus, it is submitted that the petitioner is very well aware of the demolition order.

7. Accordingly, let the documents be brought forth before this Court on the next date of hearing.

xxx xxx xxx”

3. Today, learned counsel appearing for the respondents have brought forth the written statement that was filed on behalf of the MCD in the proceedings pending in the Rohini Courts on 14th January, 2025. In the said written statement filed on behalf of the MCD before the Rohini Court, wherein, the petitioner herein is also a party, there is a categorical statement on behalf of the MCD with regard to the Demolition Order dated 10th January, 2025, having being passed with respect to the unauthorized construction existing in the property. Para 5 of the written statement filed on behalf of the MCD in C.S. No. 1194/2024, reads as under:

“xxx xxx xxx

5. That the property in question i.e. F-242, Prashant Vihar, Delhi was inspected by area JE (B) and during the said inspection unauthorized construction was found in the shape of deviation/ excess coverage



against sanctioned / regularization building plan at ground floor, first floor, second floor & third floor with projection on Mpl. Land on rear side at each floor and unauthorized construction in the shape of bathroom at balcony on first floor in front side and the same has been booked vide UC file No. 137/B-I/UC/53/RZ/24 dated 20.11.2024. That in continuation of the same show cause notice u/s 344(1) & 343 of the DMC Act, 1957 was issued vide printed No. 10287 dated 20.11.2024. That in response to the show cause notice reply was received and accordingly personal hearing on the present matter was received and accordingly personal hearing on the present matter was granted and after following due process of law following principle of natural justice ultimately order under section 343(1) of the DMC Act, 1957 was passed on 10.01.2025.

xxx xxx xxx”

4. Attention of this Court has also been drawn to the order dated 14th January, 2025, passed by the Rohini Courts in C.S. No. 1194/2024 between the parties, who are before this Court, including, the petitioner, which shows the presence of counsel for the petitioner herein on 14th January, 2025 before the Rohini Court, when the aforesaid written statement on behalf of the MCD was taken on record, and served on all the parties including petitioner herein.
5. Learned counsel appearing for the MCD has handed over the documents furnished by the respondent no. 2. The same are taken on record.
6. A Status Report has also been handed over by the MCD, which is taken on record.
7. Learned counsel appearing for the respondent no.1/MCD has drawn the attention of this Court to the order of demolition dated 10th January, 2025, wherein, there is signature of the wife of the petitioner, along with the phone number, showing the receipt of the Demolition Order by the petitioner.
8. Learned counsel appearing for the MCD submits that a personal hearing was also granted to the petitioner herein before passing the aforesaid



Demolition Order.

9. The aforesaid statement is taken note of.

10. Considering the aforesaid, it is clear that the copy of the demolition Order, with respect to the unauthorized construction existing in the property of the petitioner, stands already served on the petitioner and the petitioner has been aware of the same, since January, 2025.

11. Accordingly, no further orders are required to be passed in the present writ petition. The petitioner is directed to seek his remedies in accordance with law, by filing a statutory appeal before the Appellate Tribunal MCD (“ATMCD”), against the Demolition Order.

12. It is clarified that this Court has not expressed any opinion on the merits of the case, including, on the issue of the limitation, which shall be decided by the learned ATMCD, on its own merits.

13. The present writ petition, along with the pending applications, is disposed of, with the aforesaid directions.

MINI PUSHKARNA, J

APRIL 29, 2025

rk