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

+ **W.P.(C) 8495/2025 & CM APPL. 36893/2025**

MAYA DEVI

.....Petitioner

Through: Mr. Bijender Singh, Advocate

versus

**COMMISSIONER, MUNICIPAL CORPORATION
OF DELHI**

.....Respondent

Through: Mr. Vikas Chopra, Standing Counsel
for MCD with Mr. Dipesh Chopra,
Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.06.2025**

1. This petition has been filed seeking quashing of the impugned notices dated 07.05.2025 and 13.06.2025 passed by the commissioner of the respondent and seeking direction to prohibit the respondent from interfering in the peaceful possession of the petitioner in the property bearing no. I- 46, Lal Kuan, Badarpur, Jaitpur, South Delhi-110044 ('subject property').
2. Vide impugned notice dated 07.05.2025 the Petitioner has been directed to vacate the subject property and it is stated that the property will be demolished within three (3) days as it is dangerous.
3. Learned counsel for the petitioner states that no show cause notice has been served on the petitioner prior to issuance of the demolition order dated 07.05.2025.



3.1. He states that petitioner along with her family resides in the subject property and is entitled to represent to MCD with respect to the structural stability of the subject property.

3.2. He states that impugned order dated 07.05.2025 was only served on 28.05.2025.

4. Issue notice. Learned counsel for respondent no. 1 accepts notice.

5. Learned counsel for respondent no. 1 states that the impugned order dated 07.05.2025 was served on the petitioner on 20.05.2025.

5.1. He states that it is correct that no show cause notice has been issued to the petitioner since there is no such stipulation under Section 348 of the Delhi Municipal Corporation Act, 1957.

5.2. He states that he does not readily have instructions in regards to independent structural stability report, if any, which has been prepared by the Respondent department regarding structural stability of the immovable property, which forms the basis of the order.

5.3. He states that the petitioner herein can have no grievance against the separate impugned order dated 13.06.2025 since the said order pertains to the Telecom Service Provider to remove the mobile tower, in question, within fifteen days from the date of receipt of the said order. He states that Telecom Service Provider was granted sufficient opportunities to respond to the show cause notices dated 27.03.2025, 11.04.2025 and 02.05.2025.

5.4. He states that the Telecom Service Provider had represented against the show cause notices and the reply has not been found to be satisfactory. He states that therefore, the order dated 13.06.2025 is duly compliant with principles of natural justice.

6. This Court has considered the submissions of the parties.



7. In the opinion of this Court, the petitioner is entitled to a show cause notice prior to the issuance of the demolition order dated 07.05.2025. The Petitioner is stated to be the owner and in possession of the subject property. The Petitioner is entitled to be shown the material available with the Respondent, which forms the basis of the finding that the structure is unsafe.
8. Accordingly, it is directed that the impugned demolition order dated 07.05.2025 be treated as a show cause notice to the Petitioner.
9. The Respondent is directed to provide any structural stability report and/or any material, which they are relying upon as the basis of issuance of demolition order dated 07.05.2025 to the Petitioner through its counsel on or before 12 P.M. on 24.06.2025 through e-mail.
10. Petitioner is directed to file its reply within 3 days from today i.e., on or before 27.06.2025 at 12:00 P.M. to the Assistant Engineer, Building - 1, Central Zone. In case, the Petitioner fails to file its reply, the Respondent will treat the present writ petition as the reply.
11. The Petitioner will appear for a personal hearing on 01.07.2025 at 11:00 P.M. before the office of Assistant Engineer, Building- 1, Central Zone. It is clarified that if the Petitioner fails to appear on 01.07.2025, the Respondent will be at liberty to decide the issue without any further hearing.
12. This Court finds merit in the submission of the Respondent that the impugned order dated 13.06.2025 issued to the Telecom provider does not afford any cause of action to the Petitioner herein and to that extent no directions are passed in this petition.
13. The Petitioner will be at liberty to avail all its remedies against the final order passed by the MCD after granting a hearing on 01.07.2025.



14. With the aforesaid directions, the Petition is disposed of along with the pending applications, if any.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA
(VACATION JUDGE)

JUNE 23, 2025/mt/ms

[Click here to check corrigendum, if any](#)