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

+ W.P.(C) 9549/2025 & CM APPL. 40280/2025

JEET SINGH AND ORS

.....Petitioners

Through: Ms. Azra Rehman, Mr. Javed Khan,
Mr. Asif Inam, Mr. Zahara Sheikh,
Mr. Manaal Nasir, Ms. Anshula
Gupta, Advocates (M:8882323437)

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versus

MUNICIPAL CORPORATION OF DELHI
AND ANR.

.....Respondents

Through: Mr. Harshit Chopra, Advocate for R-1
(M:9911543883)
Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar, Mr. Amit
Kumar Rana, Advocates for Delhi
Police (M:9910770710)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.07.2025

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1. The present writ petition has been filed with a prayer that the petitioners be granted some time to avail their legal remedies for challenging the Vacation Notice bearing no. 624/BLDG.1/SZ/2025 dated 07th July, 2025 in respect of fourth floor and fifth floor of the property bearing no. B-101, Panchsheel Vihar (Adj. B-102), New Delhi.

2. Learned counsel for the petitioners submits that the petitioners, along with their family members, have been residing in their property peacefully and that no construction has been carried out by the petitioners in the property in question. Further, there is no ongoing construction in the property in question.

3. It is submitted that on 08th July, 2025, the petitioners saw that



Vacation Notice dated 07th July, 2025, as issued by the Building Department, South Zone, Municipal Corporation of Delhi ("MCD"), had been pasted outside the building in question.

4. The said Vacation Notice dated 07th July, 2025, reads as under:

ANNEXURE - 1

MUNICIPAL CORPORATION OF DELHI
(BUILDING DEPARTMENT)-1
SOUTH ZONE GREEN PARK, NEW DELHI

No. 260/UC/B-1/SZ/2018 Dated: 07/07/2025 26

VACATION NOTICE (U/s 343 OF DMC ACT 1957)

WHEREAS, it has been brought to the notice that premises bearing No. B-101, Panchsheel Vihar (Adj. B-102), New Delhi, has been occupied in contravention of Section 343 of the DMC Act, 1957 as neither the occupant(s) has/have given notice for completion of the erected building nor the Commissioner, MCD (erstwhile SPMC) has granted permission to occupy the same.

Details of unauthorized construction/deviation:-

Vide File No. 260/UC/B-1/SZ/2018 dt. 23/07/2018 booked as under:

Unauthorized construction in the shape of fourth floor (Ground floor to Third floor is old and residentially occupied).

Vide File No. 91/UC/B-1/SZ/2023 dt. 24/04/2023 booked as under:

In continuation of previous booking No. 260/UC/B-1/SZ/2018 dt. 23/07/2018, Further Unauthorized construction in the shape of Fifth floor.

WHEREAS, it has been established that unauthorized construction/ deviations have been carried out in the said building, for which order of demolition has already been passed U/s 343 (1) of DMC Act 1957, and the Municipal Corporation has to proceed further in the matter in accordance with the law.

NOW, therefore, the undersigned, U/s 343 of the DMC Act, 1957 call upon you to vacate the aforesaid booked premises/Unauthorized construction within three days from the receipt of this letter so that the MCD may take demolition/sealing action against unauthorized construction existing in the aforesaid premises, as detailed above, failing which the demolition/sealing action shall be carried out at the risk and cost of the owner(s)/occupier(s).

Issued under my hand and seal on this 07th day of July, 2025.

Sd/-
Asstt. Engineer (Bldg.)
South Zone

Owner/Occupiers/Residents,
P.No. B-101, (Adj. B-102) Panchsheel Vihar,
New Delhi.

Copy to:

1. SHO, Police Station, Malviya Nagar - with the request to get the impugned premises vacated, so that action can accordingly be taken.
2. JE (Bldg.) - Concerned.
3. Office Copy.

Asstt. Engineer (Bldg.)
South Zone

5. It is the contention on behalf of the petitioners that it is only now for



the first time, that the fact of issuance of vacation notice has come to the knowledge of the petitioners.

6. He submits that no Show Cause Notice or Demolition Order has ever been received by the petitioners with respect to any unauthorized construction in the property in question.

7. It is submitted that the petitioners have not been granted any opportunity by the respondent-MCD to put forth their defense. Thus, it is submitted that any action by the respondent-MCD, is in violation of the Principles of Natural Justice.

8. Issue notice. Notice is accepted by learned counsels for the respondents.

9. Learned counsel appearing for the respondent MCD hands over a copy of the judgment dated 20th October, 2023, passed by Division Bench of this Court in *W.P.(C) 14313/2022*, titled as “*Universal Human Rights Foundation Versus Govt. of NCT of Delhi and Ors.*”.

10. He submits that the action is being undertaken by the MCD pursuant to the various orders passed by this Court, as well as Special Task Force (“STF”).

11. He submits that rampant unauthorised construction exists in the area in question, i.e., *Panchsheel Vihar, Malviya Nagar, New Delhi-110017*. Thus, it is submitted that the action taken by the MCD, is proper and in accordance with law.

12. Learned counsel appearing for the respondent-MCD further submits that all the requisite notices were issued to the petitioners in consonance with the Principles of Natural Justice.

13. Learned counsel appearing for respondent-MCD submits that this property has been booked twice.

14. However, learned counsel appearing for the petitioners submits that the petitioners have been unaware of any previous bookings by the MCD as



regards the unauthorized construction in the property in question and the same has come to the knowledge of the petitioners only now.

15. Having heard learned counsels appearing for the parties, this Court notes that the judgment dated 20th October, 2023, passed in W.P.(C) 14313/2022, as relied upon by learned counsel appearing for the respondent-MCD, itself clearly states that any action undertaken by the MCD, shall be subject to the proceedings pending before the Appellate Tribunal, MCD, (“ATMCD”).

16. The relevant portion of the said judgment, pertaining to some other property in the same area, reads as under:

“xxx xxx xxx

8. In our considered opinion, further action by the MCD in respect of the properties bearing Nos. B-106 and B-104, Panchsheel Vihar, New Delhi, **would have to abide by the outcome of the proceedings before the Appellate Tribunal, MCD. The MCD is directed to ensure all steps are taken in accordance with the directions recorded by the Appellate Tribunal, MCD.** In respect of other properties which are subject matter of the present petition, the report points out that demolition stands scheduled for 29th September, 2023, which will be carried out upon availability of police force. Considering the above, the MCD is directed to ensure that the demolition action of the other properties is completed at the earliest and if not already done, should be completed within a period of two weeks from the date of uploading of this judgment. The Delhi Police, including the concerned SHO of the area, and other concerned agencies, are directed to render assistance in the demolition action.

xxx xxx xxx”

(Emphasis Supplied)

17. At this stage, this Court notes the submission of learned counsel appearing for the petitioners in the present petition that they may also be granted an opportunity to seek their remedies in accordance with law.

18. Since, it is the case of the petitioners that Principles of Natural Justice have not been followed, this Court considers it fit to grant appropriate opportunity to the petitioners to challenge the action of the MCD before the proper forum, i.e., ATMCD.



19. Accordingly, though it is the case of the respondent-MCD that requisite notices have already been supplied to the petitioners, considering the submissions made before this Court, learned counsel appearing for the respondent-MCD is directed to supply a copy of all the notices/documents to learned counsel appearing for the petitioners, on the E-mail, which is reflected in today's order.

20. Let the needful be done by learned counsel appearing for the respondent-MCD by today itself.

21. Liberty is granted to the petitioners to approach the ATMCD, in order to seek their remedies in accordance with law.

22. In order to allow the petitioners to approach the ATMCD, it is directed that no coercive action shall be taken against the property of the petitioners, for a period of four weeks from today.

23. It is clarified that, in case, the petitioners do not file appeal before the ATMCD, within a period of four weeks from today, the interim protection granted to the petitioners by today's order, shall automatically lapse.

24. Accordingly, with the aforesaid directions, the present writ petition, along with pending application, is disposed of.

MINI PUSHKARNA, J

JULY 10, 2025/au