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

+ W.P.(C) 9822/2025

SAIKA GOWHAR

.....Petitioner

Through: Mr. Nikhil Rana, Mr. Harsh Malik,
Ms. Jaya Sharma, Ritik Sharma, Mr.
Shashank Chauhan Advocates
(M: 9870570037 Email:
advocatenikhilrana@gmail.com)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Saroj Bidawat Advocate for
MCD (M: 9811111060) (through
VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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15.07.2025

1. The present writ petition has been filed with prayer that the petitioners be granted some time to avail their remedy for challenging the Vacation Notice bearing no. 613/Bldg. I/SZ/2024, dated 03rd July, 2025, in respect of the *Property bearing no. B-143, Panchsheel Vihar, New Delhi*.
2. Learned counsel appearing for the petitioner, relies upon the previous orders passed by this Court viz. order dated 09th July, 2025, passed in W.P.(C) 9471/2025 titled as '*Himangshu Dhali Versus Municipal Corporation of Delhi*' and other connected matters. He submits that similar protection may also be granted to the petitioner, to approach the Appellate Tribunal MCD ("ATMCD").
3. Learned counsel for Municipal Corporation of Delhi ("MCD") has handed over a copy of the Status Report dated 15th July, 2025, of the various actions taken by the MCD, with respect to the property in question, which is



taken on record.

4. Learned Counsel appearing for the respondents submits that the property in question, i.e., *B-143, Panchsheel Vihar, New Delhi*, already stands booked *vide* order dated 26th July, 2019. It is further submitted that as per the Status Report, regular action has been taken against the property, since the year 2020, in the following manner:

6. Further, pursuant to demolition / sealing orders already passed in respect of the subject property, the Building Department –II of South Zone – MCD has taken / carried out the necessary action as per details given herein below:		
S.No.	Date of Action	Action Taken
1.	12/06/2020	Upon availability of police force, during the course of demolition action 03 Nos. of RCC panels have been cut down at roof slab of Ground floor , after having been taken the demolition action, the property has been sealed , 02 flats at First floor , 02 flats at Second floor , 02 flats at Third floor and 02 flats sealed at Fourth floor.
2.	26/10/2020	Upon availability of police force, sealing action has been taken, vide same 03 Nos. of flats sealed at Second



			floor , 02 Nos. of flats sealed at Third floor and 01 flat has been sealed at First floor.
	3.	24/11/2020	During the sealing action property has been sealed at following points: 02 Nos. at Second floor 01 point at front side & 01 point at Back side. 02 Nos. at Third floor 02 points at front side, upon availability of police force.
	4.	26/07/2021	During routine area inspection field staff noticed that the seal affixed by the department on 24/11/2020 has been tampered with, consequently a complaint bearing No. D-667/DC/Bldg.- I/SZ/2021 dated 26/07/2021 for lodging of an FIR u/s 448/188 of IPC read with Section 461 of DMC Act has



		been sent to Dy. Commissioner of Police , South District Hauz Khas, New Delhi.
5.	15/09/2021	During the course of action 02 flats sealed at entry of First floor, 02 flats sealed at entry of Second floor, 01 flat sealed at entry of Third floor, 01 flat sealed at entry of Fourth floor , upon availability of police force.
6.	21/02/2022	During the action it has been earlier seal affixed found tampered with. Upon availability of police force, during the course of action sealed 02 flats at First floor, sealed 03 flats at Second floor, sealed 02 flats at Third floor and sealed 03 flats at Fourth floor. Further regarding seal tampering a complaint bearing No. D/28/02/DC/Bldg-I/SZ/2022 dated



		09/03/2022 has also been sent to the concerned SHO PS Malviya Nagar u/s 448/188 of IPC read with Section 461 DMC Act, for lodging a FIR against the violators / offenders vide letter dated 09/03/2022.
7.	05/09/2022	Upon availability of police force, 01 flat at Second floor, 02 flats at Third floor and 01 flat at Fourth floor have been sealed.
8.	01/11/2022	Upon availability of police force, First floor: 01 point (entry gate of 01 flat sealed). Second floor: 02 points (entry gate of 02 flats). Fourth floor: 01 points (entry gate of 01 flat).
9.	11/11/2022	During the routine inspection of the area in question / property in question, the seals affixed by the department were found



			tampered with. Taking note of the same, a complaint dated 11/11/2022 has been sent to DCP South District, Hauz Khas, New Delhi for lodging of an FIR u/s 448/188 of IPC read with section 461 of DMC Act, against the violators / offenders.
10.	23/12/2022		Upon availability of police force, First floor: 02 flats sealed from entry gate. Second floor: 01 flats sealed from entry gate. Third floor: 02 flats sealed from entry gate.
11.	14/02/2023		On noticing the instance of tampering of seals affixed by the department vide dated 01/11/2022 and 23/12/2022, a complaint dated 14/02/2023 has been sent to DCP South District, Hauz Khas, New Delhi for lodging of an FIR u/s 448/188 of



		IPC read with section 461 of DMC Act, 1957 against the violators / offenders.
12.	02/03/2023	Upon availability of police force brick walls at Ground floor flat have been demolished. Simultaneously, 01 flat entry gate sealed at Ground floor, 02 flats entry gate sealed at First floor and 02 flats entry gate sealed at Third floor.
13.	20/03/2023	Upon availability of police force, complete mummy structure has been demolished and 01 servant unit at Ground floor has also been demolished.
14.	21/06/2024	Upon availability of police force, 02 Flats entry gate have been sealed on First floor , 02 entry gate sealed on Second floor , 01 Flat entry gate sealed on



				Third floor and 02 Flat entry gate sealed at Fourth floor. However, earlier seals affixed by the department were found tampered with, the same has also been sealed. On the instance of tampering of seals, a complaint dated 05/07/2024 has been sent to DCP, South District, Hauz Khas New Delhi for lodging of an FIR u/s 448/188 of IPC r/w section 461 of DMC Act against the violators / offenders.
	15.	14/11/2024		Upon availability of police force, the property has been sealed at following points: i. Ground floor – 02 points (01 point on entry on room on left side of staircase & 01 point on entry gate of flat in RHS of



					staircase. ii. First floor – 01 point sealed (on entry gate of flat front of staircase). iii. Second floor – 01 point sealed on entry gate of flat (Second floor flat on LHS of staircase).
			16.	24/12/2024	On the instance of tampering of seals affixed by the department were found tampered with. Taking note of the same, the necessary complaint dated 24/12/2024 has been sent to DCP South District, Hauz Khas, New Delhi.
			17.	27/02/2025	Upon availability of police force, property has been sealed / resealed on following portions / points: i. Ground floor: 01 point i.e. at the entry of room.



		ii. Second floor: 02 points i.e. at the entry gate of 02 flats. iii. Third floor: 01 point i.e. at the entry gate of 01 flat. Rest of the property is found residentially occupied / locked.
18.	03/07/2025	So as to take further necessary demolition / sealing action, a Vacation Notice u/s 349 of DMC Act – 1957 has been issued to the owner / occupier of the subject property and a copy thereof has also been endorsed to concerned, SHO PS Malviya Nagar, New Delhi.
7. After taking the aforesaid action, watch and ward letters have also been sent to the concerned SHO PS Malviya Nagar, New Delhi. 8. It is also further relevant to state here that the instant property is also involved in Cont. Cas. (C) No. 1204/2022 titled as "<i>Naresh Chauhan VS Govt. of NCT of Delhi & Ors.</i>" which is pending disposal before this Hon'ble Court and is now listed on 21/07/2025.		
		9. Further action in respect of the subject property will be taken / carried out in due course of time, as per law.



5. Perusal of the aforesaid Status Report categorically shows that consistent action has been taken by the MCD against the unauthorized construction in the property in question. Therefore, it cannot be said that the petitioner was unaware of the actions being taken by the MCD, or that she had been taken by surprise upon issuance of the Vacation Notice dated 03rd July, 2025.

6. Accordingly, though the petitioner has the liberty to approach the ATMCD to seek her legal remedies, however, in the facts and circumstances of the present case, this Court is not inclined to grant any protection, to the petitioner.

7. Noting the aforesaid, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

JULY 15, 2025/sn