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

+ W.P.(C) 9826/2025

SUBASH CHAUHAN

.....Petitioner

Through: Mr. Shiv Kumar Gautam, Mr. Rohit Gupta, Mr. Gopal Agonia, Mr. Ayush K. Singh and Mr. Shanu Ansari, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Siddharth Gupta SC for MCD
(M: 9810141287 Email: guptasiddharth73@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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15.07.2025

1. The present writ petition has been filed with a prayer that the petitioner be granted some time to avail his remedies in accordance with law, for challenging the Vacation Notice No. 623 /BLDg.1/SZ/2025 dated 07th July, 2025, pasted on 11th July, 2025.
2. It is submitted that the petitioner is the owner/occupant of property bearing no. C-1, Panchsheel Vihar, Khirki Village, New Delhi, and the petitioner has been occupying the said property peacefully.
3. Responding to the present writ petition, learned counsel appearing for the respondent-Municipal Corporation of Delhi ("MCD") has handed over to this Court a copy of the synopsis/Status Report dated 15th July, 2025, along with photographs, which is taken on record.



4. As per the said Status Report, various actions have been taken against the property in question since the year 2022, in the following manner:

1.	Property No. C-1, Pancsheel Vihar, New Delhi.	1) As per record, the subject property is already stands booked vide File No. 141/UC/B-I/SZ/2022 dated 15/04/2022 in the shape of First floor (Basement and Ground floor is old and occupied, vide file No. 183/UC/B-I/SZ/2022 dated 25/05/2022 in the shape of Third floor (in continuation of previous booking No. 141/UC/B-I/SZ/2022 dated 15/04/2022) and also further booked vide U/c File No. 07/UC/B-I/SZ/2025 dated 16/01/2025 in the shape of tin shade and iron frame structure at entire terrace of Third floor (in continuation of previous booking No. 183/UC/B-I/SZ/2022 dated 25/05/2022), for taking action under Section 343/344 of DMC Act-1957. Upon following the due process of law, the necessary demolition orders have also been passed by the Competent Authority vide dated 28/04/2022, 08/06/2022 and 03/06/2025 respectively. 2) Work stop letters dated 26/04/2022 u/s 344 (2) of DMC Act, 1957 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi with the request to get the unauthorized construction stopped. 3) Letters dated 28/04/2022 and 17/01/2025 to Delhi Jal Board and BSES for disconnection of Water and Electricity supply have also been sent to concerned authorities. 4) Letter dated 28/04/2022 to Sub-Registrar office for not registering the property has also been sent. 5) Sealing proceedings u/s 345-A of DMC Act – 1957 have also been initiated and after following due process of law, the necessary sealing order has also
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been passed by the Competent Authority vide dated 09/09/2022.

6) Prosecution action u/s 466-A of DMC Act – 1957 have also been initiated in respect of the subject property and complaints dated 11/05/2022 and 20/06/2022 have also been sent to concerned, SHO PS Malviya Nagar, New Delhi.

7) 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.	04/07/2022	During the course of action 06 RCC panels at Second floor and Third floor have been demolished (03 panels at each floor).
2.	02/08/2022	During the course of action, 03 RCC panels at roof slab of Second floor have been demolished and thereafter sealed at entry of staircase at First floor level.
3.	25/08/2022	During the course of action, 04 RCC panels have been demolished in roof slab of First floor and thereafter property got restored ay tenet or staircase at First floor Level.
4.	18/10/2022	During the course of action, 03 RCC panel at roof slab of Third floor has been demolished and cut down.
5.	03/07/2025	During the course of action, 02 RCC panels at



				roof slab of Third floor and further columns of tin shed and iron framed structure have been cut down with the help of gas cutter, thereby making whole structure uninhabitable.
		6.	07/07/2025	So as to take further necessary action, a Vacation Notice u/s 349 of DMC Act – 1957 dated 06/03/2025 has been sent to owner / occupier of the subject property and a copy thereof has also been endorsed to concerned SHO PS Malviya Nagar, New Delhi with the request to get the impugned property / portion vacated.
		7.	14/07/2025	During the course of action, 02 RCC panels have been demolished at roof slab of Third floor and reinforcement bars cut down with the help of gas cutter. Beside this, projection / chajja has been demolished and iron reinforcement bars also cut down with the help of gas cutter.
		8) After taking the aforesaid action, watch and ward letters have also been sent to the concerned SHO PS Malviya Nagar, New Delhi.		
		9) It is also further relevant to state here that the instant property is also involved in Cont. Cas. (C) No. 1355/2024 titled as “ <i>Universal Human Right Foundation VS Govt. of NCT of Delhi & Ors.</i> ” which is pending disposal before this Hon’ble Court		



		and is now listed on 24/09/2025. Hence, the department is taking the necessary action in respect of the subject property pursuant to the pending Contempt Petition and directions issued by STF. 10) Further action in respect of the subject property will be taken / carried out in due course of time, as per law.
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5. Perusal of the aforesaid Status Report submitted by the MCD clearly shows that continuous action is being taken by the MCD against the unauthorized construction existing in the property, since the year 2022.
6. Accordingly, considering the submissions made before this Court that unauthorized construction exists in the property since long, wherein, action is being taken by MCD regularly since 2022, the petitioner cannot be said to be unaware of the action taken by the MCD.
7. Thus, it cannot be said that the issuance of Vacation Notice dated 07th July, 2025, has come as a surprise to the petitioner, or that the petitioner was not even aware of the various actions being taken by the MCD from time to time.
8. Therefore, though the petitioner has the liberty to approach the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD"), to seek his legal remedies, considering the submissions made before this Court, this Court is not inclined to grant any protection to the petitioner.
9. Accordingly, noting the aforesaid, the present writ petition is disposed of.

JULY 15, 2025/sn

MINI PUSHKARNA, J