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

+ W.P.(C) 9821/2025

NAVEEN CHAUHAN

.....Petitioner

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

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Harshit Chopra, Adv. for R-1

M: 9911543883

Email: advharshitchopra@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 seeking directions to the respondent-Municipal Corporation of Delhi ("MCD") to stay the operation of the Vacation Notice bearing *no. 610/AE(B)/SZ/2025* dated 03rd July, 2025, in order to allow the petitioner to avail the legal remedy, in accordance with law.
2. Learned counsel for the petitioner submits that the petitioner is a resident of 62-63, *Khirkhi Village, New Delhi* and the owner of property bearing *no. 62A, Khirkhi Village, New Delhi*, consisting of built up property, from ground floor till second floor, measuring 225 sq. yds.
3. On the other hand, responding to the present petition learned counsel appearing for the MCD has handed over to this Court, a copy of the Status Report, which is taken on record.
4. As per the said Status Report, demolition and sealing orders have already been passed in respect of the subject property by the Building



Department-1, South Zone, MCD. Further, necessary action has also been carried out by the Department, in the following manner:

“xxx xxx xxx

6. That pursuant to demolition / sealing orders already passed in respect of the subject property, the Building Department –I of South Zone – MCD has tried / taken / carried out the necessary action as per details given herein below:

S.No.	Date of Action	Action Taken
1.	25/07/2014	Upon availability of

		police force, 02 roof panels demolished / cut down with the help of gas cutter at Second floor. Beside this, partition walls also demolished above Second floor.
2.	10/09/2014	Action could not be taken due to shortage of time.
3.	09/08/2021 & 26/08/2021	Action could not be taken due to non availability of police force.
4.	07/10/2021	Upon availability of police force, property has been sealed at 01 point at Second floor.
5.	16/11/2021	On the instance of tampering of seal affixed by the department, the necessary complaint dated 16/11/2021 has been sent to DCP, South District, Hauz Khas, New Delhi for lodging of an FIR against the



		violators / offenders.
6.	24/11/2021 & 08/12/2021	Action could not be taken due to shortage of time.
7.	29/12/2021	Action could not be taken due to non availability of police force.
8.	04/01/2022	Action could not be taken due to shortage of time.
9.	30/01/2023 & 21/02/2023	Action could not be taken due to shortage of time.
10.	21/03/2023	Action could not be taken due to non availability of police force.
11.	12/04/2023	Action could not be taken due to shortage of time.
12.	24/04/2023	Action could not be taken due to shortage of time.
13.	14/07/2023, 03/08/2023, 28/08/2023,	Action could not be taken due to non availability of police



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	19/09/2023, 25/10/2023 & 19/12/2023	force.
14.	03/01/2024	Upon availability of police force, property has been sealed at 02 points at Second floor.
15.	20/02/2024, 26/03/2024 & 25/04/2024	Action could not be taken due to non availability of police force.
16.	25/06/2024, 20/09/2024 & 06/12/2024	Action could not be taken due to shortage of time.
17.	15/01/2025	Upon availability of police force, property has been sealed at 01 point at Third floor.
18.	14/07/2025	Upon availability of police force, roof RCC slab of Third floor have been demolished into several spans and iron reinforcement of the same have also been cut down with the help of gas cutter and the same rendered uninhabitable.



7. That it is also submitted that immediately upon receiving the intimation from the Counsel on behalf of respondent – MCD, the further action has been immediately stopped by the department. The photographs of the demolition action as carried out on 14/07/2025 are annexed herewith as **Annexure – G (Colly)**.
8. That it is also pointed out that after taking the aforesaid part demolition / sealing action, letters dated 03/01/2024, 16/01/2025 and 14/07/2025 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolish portion may not be restored / repaired and the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure –H (Colly)**.
9. That it is also relevant to state here that the impugned Vacation Notice dated 03/07/2025 as sent in respect of the subject property is in consequent to the demolition / sealing orders already passed in respect of the subject property and as per practice followed by the department, the same has been sent only to ensure smooth and effective actions.

xxx xxx xxx”



5. Perusal of the aforesaid Status Report of the MCD clearly shows that the Vacation Notice dated 03rd July, 2025, which is subject matter of the present writ petition, has been issued consequent to the demolition and sealing orders that have already been passed with respect to the subject property.

6. This Court further notes that various actions for the demolition and sealing of the subject property are being taken by the MCD since the year 2014.

7. Though the petitioner is at liberty to approach the Appellate Tribunal, MCD ("ATMCD") for seeking his legal remedies to challenge the Vacation Notice dated 03rd July, 2025, however, in view of the Status Report of the MCD, this Court is not inclined to grant any protection in favour of the petitioner.

8. Accordingly, noting the aforesaid, the present writ petition is disposed of.

MINI PUSHKARNA, J

JULY 15, 2025/KR