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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12454/2025 & CM APPL. 50693/2025, CM APPL.
50694/2025

MOHAMMAD TANVEERPetitioner
Through: Ms. Meghna, Mr. Rahul Gupta, Mr.
Anil Kumar and Mr. Sourabh Sharma,
Adv.
Mob: 9953391936
versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Dheeraj Singh, Mr. Tushar
Jaiswal and Ms. Deepali Verma,
Adv.
Mob: 8447716965
Email: ds322046@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **19.08.2025**

1. The present writ petition has been filed seeking directions for quashing the Vacation Notice dated 11th August, 2025, issued by the respondent-Municipal Corporation of Delhi ("MCD"), under Section 349 of the Delhi Municipal Corporation Act, 1957 ("DMC Act").
2. Learned counsel appearing for the petitioner submits that the petitioner and his mother are the absolute owners of *House No. 452/A, Second Floor, Gali No. 33, Plot No. 54-55, Khasra No. 205, Onkar Nagar, Tri Nagar, Delhi-110035*.
3. It is submitted that respondent has issued the Vacation Notice dated



11th August, 2025, under Section 349 of the DMC Act.

4. It is submitted that the petitioner was not aware of the status of the property in question, which was recently purchased by him in good faith.

5. Thus, it is submitted that without issuance of any Show Cause Notice, the Vacation Order has been issued by the respondent-Municipal Corporation of Delhi (“MCD”). It is submitted that the Principles of Natural Justice have not been followed, as the petitioner has not been granted any opportunity of hearing or responding to any Show Cause Notice.

6. It is further submitted that the petitioner is willing to pay any dues to the respondent for regularization of the property in question.

7. It is further submitted that the present writ petition has been filed before this Court, as the post of Presiding Officer of the Appellate Tribunal MCD (“ATMCD”) is vacant at the moment, and therefore, the petitioner is unable to avail the remedy as provided under the DMC Act.

8. *Per contra*, learned counsel appearing for the respondent-MCD submits that a complaint against the unauthorized construction in the property in question is pending before the Public Grievances Commission of the Government of NCT of Delhi. He has handed over a Status Report dated 11th August, 2025, with regard to the action taken by the MCD against the property in question.

9. Learned counsel appearing for the respondent-MCD submits that the property in question was booked on 10th October, 2024, and a Show Cause Notice was issued with regard thereto. He submits that partial demolition action was also taken by the respondent-MCD on 06th December, 2024, and 31st December, 2024, on the fourth floor of the property in question. He submits that the property in question consists of ground floor to fourth floor,



which are all unauthorized. Though action has already been taken on the fourth floor of the property in question, action is yet to be taken against other parts of the property viz. ground floor, first floor, second floor and third floor, which were found to be occupied.

10. Learned counsel further submits that a Show Cause Notice for sealing was also issued under Section 345A of the DMC Act on 13th February, 2025, and sealing programs were fixed on 21st July, 2025, 28th July, 2025, and subsequently on 07th August, 2025. He submits that during the sealing program on 07th August, 2025, the property in question was sealed at one point on the ground floor. He, thus, submits that the Vacation Notice dated 11th August, 2025 has been issued to the owner/occupier to vacate the property in question, so that further action can be taken by the MCD.

11. The Status Report, as provided by learned counsel appearing for the MCD, is taken on record.

12. At this stage, learned counsel appearing for the petitioner submits that an opportunity may be granted to the petitioner to avail the remedies, in accordance with law, before the learned ATMCD.

13. This Court notes that a Demolition Order dated 28th October, 2024, with respect to the property in question already stands issued, pursuant to which, partial action of demolition and sealing has already been taken by the respondent-MCD.

14. The petitioner, who claims to be a recent purchaser of the second floor of the property in question, cannot be said to be oblivious to the actual status of the property in question, when regular action was being taken by the MCD against the property in question.

15. Be that as it may, this Court considers the submission made by the



learned counsel appearing for the petitioner that the petitioner be allowed to seek its statutory remedy before the learned ATMCD. She further submits that the petitioner shall file an application for regularization with the MCD.

16. Considering the submissions made before this Court, in order to allow the petitioner to file an appeal before the ATMCD, it is directed that for a period of two weeks, from today, no coercive action shall be taken against the second floor of the property in question.

17. This Court is informed that there is no Presiding Officer in the ATMCD. Accordingly, it is directed that in case, at the time of filing of the appeal by the petitioner, the Presiding Officer of the ATMCD has not taken charge, then the protection as granted by this Court, shall extend till another two weeks, after taking charge by the Presiding Officer of ATMCD.

18. It is directed that in case, at the time of filing of the appeal, the Presiding Officer of the ATMCD has still not resumed charge, then, within two weeks of the Presiding Officer of the ATMCD joining the charge, the petitioner herein shall file an application for taking up the appeal of the petitioner by the ATMCD.

19. The ATMCD shall accordingly hear the matter, and pass requisite orders on merits, after hearing the parties.

20. It is clarified that in case, within two weeks of the Presiding Officer joining the ATMCD, the petitioner does not file an application for taking up the appeal before the ATMCD, the protection granted by this Court by today's order, shall automatically lapse after expiry of two weeks of the Presiding Officer of the ATMCD taking the charge.

21. It is clarified that this Court has not considered the merits of the case, which shall be decided independently by the learned ATMCD, after hearing



the parties.

22. It is further clarified that this Court has not stayed any action against other floors of the property in question, and MCD is at liberty to take action against the other floors of the property in question, in accordance with law.

23. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 19, 2025/SK