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

+ **W.P.(C) 15434/2025, CM APPL. 63173/2025 & CM APPL. 63174/2025**

SAHAB SINGH SOLANKI

.....Petitioner

Through: Mr. Keshav Das Monga, Adv.
Email: keshavmonga8@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Rohit, Adv. for MCD
M: 9717948948
Email: r.d.kathuria@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.10.2025

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1. The present writ petition has been filed by the petitioner being aggrieved by the order dated 10th September, 2025, passed by the respondent, wherein, the petitioner has been asked to vacate the premises situated at *WZ-371, Village Palam, Sector-7, Dwarka, New Delhi-110045*, without giving any reasonable opportunity of being heard.
2. Learned counsel appearing for the petitioner submits that the petitioner had earlier made a complaint to the respondent against the unauthorized construction being carried out by his neighbor, namely, Mr. Rampal Solanki, in the year 2013.
3. It is submitted that the property of the petitioner was constructed in the 1990s, and requires regular maintenance and repair work. Thus, it is



submitted that since the petitioner had filed a complaint against his neighbor, i.e., Mr. Rampal Solanki, the MCD is acting under the pressure of the said neighbor.

4. It is further submitted that earlier an order dated 17th August, 2023, was passed by the respondent seeking removal of the owner/occupier and workmen from the property in question, and for seizure of construction material, tool and machinery to which a reply was duly given by the petitioner herein. Subsequently, a second Show Cause Notice dated 28th February, 2025, was issued by the respondent, stating that there was unauthorized construction being carried out by the petitioner. Pursuant thereto, a reply dated 03rd April, 2025, was submitted by the petitioner.

5. It is the case of the petitioner that thereafter, the petitioner did not receive any communication, and straight away a Vacation Notice dated 10th September, 2025, has been received by the petitioner.

6. Issue notice. Notice is accepted by the learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”).

7. Learned counsel appearing for the MCD submits that a Civil Suit being CS No. 968/2023, titled as “*Rampal Solanki Versus Sahab Singh Solanki and Ors.*”, is pending before the Court of Senior Civil Judge, Dwarka Courts, New Delhi.

8. He submits that the said civil dispute pertains to the unauthorized construction being carried out by the petitioner herein.

9. Learned counsel appearing for the MCD further submits that the property of the petitioner was booked for unauthorized construction, and a Demolition Order was passed on 11th September, 2023.

10. It is submitted that demolition action was also attempted many times



pursuant to the said Demolition Order. It is further submitted that subsequently, in routine inspections, unauthorized construction was found in the shape of the first, second, third and fourth floors of the property in question, which were also booked by the respondent on 28th February, 2025 and 18th June, 2025.

11. Thus, it is submitted that after following the due process, Demolition Orders dated 15th April, 2025 and 25th July, 2025, have been issued.

12. It is further submitted that demolition action was earlier taken in the property of the petitioner on 09th September, 2024 and 18th June, 2025.

13. It is further submitted that the top and the third floors of the property in question were sealed completely at four points on 18th June, 2025. Since further action is required to be taken, thus, the said Vacation Notice has been issued.

14. *Per contra*, learned counsel appearing for the petitioner submits that the said Demolition Orders have not been received by the petitioner.

15. He further submits that the present writ petition has been filed only for limited protection, so that an appeal can be filed before the Appellate Tribunal, MCD (“ATMCD”).

16. Having heard the learned counsels appearing for the parties, though this Court notes that partial action has already been taken by the MCD on 09th September, 2024 and 18th June, 2025, considering the submissions made before this Court that the Demolition Orders in question have not been served to the petitioner, it is directed that the Demolition Orders dated 15th April, 2025 and 25th July, 2025, shall be served to the learned counsel appearing for the petitioner on the Email which is reflected in today’s order.

17. Further, the earlier Demolition Order dated 11th September, 2023,



shall also be supplied to the learned counsel appearing for the petitioner on the Email, which is reflected in today's order.

18. It is directed that the petitioner shall file an appeal before the ATMCD challenging the aforesaid Demolition Orders, within a period of four weeks, from today.

19. In order to allow the petitioner to file an appeal before the ATMCD, it is directed that no coercive action shall be taken against the petitioner for a period of four weeks, from today.

20. This Court is informed that there is no Presiding Officer in the ATMCD, for the time being. Accordingly, it is directed that, in case, at the time of filing of the appeal before the ATMCD, there is no Presiding Officer in the ATMCD, and a next date is given to the petitioner, the protection granted by today's order, shall automatically extend to any next date which is given by the ATMCD.

21. It is clarified that this Court has not considered the merits of the case of the petitioner, which shall be considered and decided by the ATMCD on its own merits.

22. It is further clarified that the present order has been passed only to grant limited protection to the petitioner, on account of the fact that currently there is no Presiding Officer in the ATMCD.

23. Rights and contentions of the parties are left open.

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

MINI PUSHKARNA, J

OCTOBER 9, 2025/KR