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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18767/2025 & CM APPL. 78137/2025, CM APPL. 78138/2025

SH. UMESH MEHTA

.....Petitioner

Through: Mr. J. P. Singh, Mr. Shivendu Chauhan, Mr. Navjot Singh Sodhi and Mr. Md. Rahman, Advocates
Mob: 8010004000
Email: adv.joginder@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Kapil Dutta and Mr. Rachit Singh, Advocates for MCD
Mob: 9811135509
Email: kapilduttamcd@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.12.2025

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1. The present writ petition has been filed challenging the vacation notice dated 04th December, 2025 issued by the respondent-Municipal Corporation of Delhi ("MCD"), against the petitioner's property bearing No. 3rd Floor, B-105, Panchsheel Vihar, New Delhi, alleging unauthorized construction.
2. Learned counsel appearing for the petitioner submits that earlier Show Cause Notice dated 30th May, 2023 had been issued by the respondent-MCD, to which a reply dated 12th June, 2023 was duly submitted by the petitioner.



3. It is further submitted that hearing was granted to the petitioner in May/June, 2023. Thereafter, there was no further communication from the MCD. It is now that the petitioner has received a vacation notice dated 04th December, 2025, on account of which, the present writ petition has been filed.

4. Learned counsel appearing for the petitioner submits that the impugned vacation notice shows that the MCD is treating the basement and ground to second floors as eligible for extending interim relief/protection and part/half portion on third floor as the unauthorized construction. However, no such order has been supplied to the petitioner.

5. He further submits that subsequent to the hearing being granted to the petitioner in the month of May/June, 2023, there has been no further communication and that no demolition order has ever been supplied to the petitioner.

6. Responding to the present writ petition, learned counsel appearing for the respondent-MCD submits that due procedure was followed by the MCD and demolition order in the form of speaking order dated 11th August, 2023 has duly been passed by the MCD after taking into account the various documents and submissions of the parties.

7. At this stage, learned counsel appearing for the petitioner submits that if the aforesaid speaking order dated 11th August, 2023 is supplied to the petitioner, the petitioner shall approach the Appellate Tribunal MCD (“ATMCD”), to seek his remedies.

8. Considering the submissions made before this Court, it is directed that the speaking order dated 11th August, 2023 be supplied to the petitioner on the Email of the petitioner’s counsel, which is reflected in today’s order.



9. Liberty is granted to the petitioner to approach the ATMCD and file appeal thereto, within a period of two weeks after receipt of the said order dated 11th August, 2023.
10. It is directed that no coercive action shall be taken against the property of the petitioner till the appeal of the petitioner is listed and considered by the ATMCD, provided the petitioner files the appeal within a period of two weeks after receipt of the aforesaid order from the MCD.
11. Rights and contentions of the parties are left open.
12. It is clarified that this Court has not considered the merits of the case of the petitioner.
13. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 10, 2025
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