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

+ W.P.(C) 19396/2025, CM APPL. 80848/2025 & CM APPL. 80849/2025

SMT MAMTA & ORS.

.....Petitioners

Through: Mr. Kanhaiya Singhal, Mr. Pulkit,
Mrs. Avantika Shankar, Mr. Govind
Kr. Pathak, Mr. Shaswat Tiwari, Mr.
Prasanna, Advocates
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versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Kapil Dutta, SC for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.12.2025

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1. The present writ petition has been filed challenging the Vacation Notice dated 19th November, 2025, issued under Section 349 of the Delhi Municipal Corporation Act, 1957 ("DMC Act") in respect of the petitioners' flats in the property situated at *plot no. C-111/C, Panchsheel Vihar, Malviya Nagar, New Delhi-110017*.

2. It is submitted that the petitioners are lawful occupants/owners of the flats from the upper ground floor to fourth floor in the said premises, and have never raised any unauthorized construction. It is submitted that the impugned Vacation Notice, is the first communication of any such nature received by the petitioners.

3. Learned counsel for the petitioners submits that the petitioners were not aware of any pending proceedings *qua* any unauthorized construction



against the property, which is disputed by learned counsel for the respondent- Municipal Corporation of Delhi (“MCD”).

4. Issue notice. Notice is accepted by learned counsel for the respondent-MCD, who has handed over certain documents to this Court, showing the earlier actions that had been taken against the property in question.

5. The synopsis as handed over by learned counsel for the MCD, is extracted as under:

<u>SYNOPSIS</u>	
<u>In W.P. (C) No. /2025 case titled as Smt. Mamta & Ors. VS Municipal Corporation of Delhi.</u>	
<u>DOH:</u>	
1. Property bearing No. Plot No. C-111C, Panchsheel Vihar, Malviya Nagar, New Delhi.	1)As per record, this property already stands booked twice, initially vide File No. 268/UC/B-I/SZ/2021 dated 23.11.2021 in the form of ground floor and first floor; and raising column of Second Floor again vide File No.386/UC/B-I/SZ/2021 dated 23.12.2021, in the form of “in continuation to booking No. 268/UC/B-I/SZ/2021 dated 23.11.2021, further unauthorized construction in the shape of Third floor, and raising wall column of Fourth Floor further U/C of Fourth Floor”. Upon following due process of law, the necessary demolition order has also been passed by the Competent Authority on 14.12.2021 and 17.01.2022 respectively.
<u>WHEREAS</u>	
The department has identified the property Behind C-7, Panchsheel Vihar, New Delhi. (Now identified as C-111-C, Panchsheel Vihar which stands booked by the department by address C-9 (c) Part Portion Panchsheel Vihar, New Delhi.	2) Sealing proceedings under Section 345-A of the DMC Act-1957 have been initiated and sealing orders have also been passed by the Competent Authority.
	3) Work stop letters u/s 344 (2) of DMC Act, 1957 has also been sent on dated 03.01.2022 and dated 04.03.2022 concerned SHO, PS Malviya Nagar New Delhi to requested to get the unauthorized construction stopped.
	4) Letters to Delhi Jal Board and BSES for disconnection of water & electricity has also been sent vide dated 03.01.2022.
	5) Letters to Sub-Registrar Office for not registering the property has been sent vide dated 03.01.2022.
	6) A Prosecution complaint dated 08/12/2021 and dated 24/02/2022 u/s 466-A of DMC Act have also been sent to concerned SHO, PS Malviya Nagar, New Delhi for lodging an FIR against the owner / builder.



7) 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	Remarks
1.	31.12.2021	During the course of action, 05 RCC panels at roof slab of Second Floor has been demolished and 04 RCC panels at roof slab of First Floor has been demolished and 06 partition walls has been demolished at First Floor.
2.	07.01.2022	Action Could not be taken due to non-availability of police force from concerned Police Station.
3.	21.01.2022	During the course of action, 03 RCC panels has been cut-down at Second Floor.
4.	28.02.2022	During the course of action, 03 RCC panels has been demolished at First Floor roof slab and 03 RCC panels has been demolished at Second floor roof slab and 02 RCC panels has been demolished at Third Floor roof slab.
5.	28.02.2022	During the course of action, Property has been sealed at entry of staircase at ground floor level.
6.	07.03.2022	Vide letter bearing No. 3781/DC/Bldg./SZ/2022 the police authority was asked for registration of FIR.
7.	18.04.2022	During the course of action, 03 RCC roof slab at Ground Floor, 05 RCC panels at First Floor



				roof slab & 02 RCC panels at Second Floor roof slab has been demolished & Property has been rescaled at entry of staircase at Ground Floor.
		8.	02.06.2022	Vide letter bearing No. 759/DC/Bldg./SZ/2022 the police authority was asked for registration of FIR.
		9.	21.06.2022	During the course of action, 03 RCC panels in roof slab of fourth floor has been demolished.
		10.	19.11.2025	During the course of action property sealed at 01 pint at Ground floor. Rest of the property was found residentially occupied. Simultaneously, a watch and ward letter has also been sent to concerned, SHO PS Malviya Nagar, New Delhi.
		8) So as to take further necessary action in respect of the subject property smoothly and effectively, a Vacation Notice u/s 349 of DMC Act – 1957 dated 19/11/2025 has also been issued to the owner / occupier to vacate the same 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.		
		9) Further action in respect of the subject property will be taken / carried out in due course of time, as per law.		

6. As per the aforesaid table, as handed over by the MCD, unauthorized construction in the property already stands booked on 23rd November, 2021 and Demolition Orders were passed on 14th December, 2021 and 17th January, 2022 respectively.



7. Further, partial action has already been taken by the MCD on many occasions in 2021, as well as 2022.
8. Part-sealing of the subject property has also been done on the ground floor on 19th November, 2025.
9. Learned counsel for the MCD also submits that Demolition Orders have still not been challenged.
10. Considering the submissions made before this Court, the petitioners are at liberty to challenge the Demolition Orders before the Appellate Tribunal, MCD (“ATMCD”).
11. Let the needful be done by the petitioners on or before 06th January, 2026.
12. Since it is the case of the petitioners that none of the documents, including the Show Cause Notice and Demolition Orders, have been supplied to the petitioners, it is directed that the requisite documents pertaining to the subject property shall be supplied to the petitioners, through petitioners’ counsel on the Email, which is reflected in today’s order.
13. Let the needful be done by the MCD, within a period of two days, from today.
14. With the aforesaid directions, the present writ petition, along with pending applications is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 22, 2025/au