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

+ W.P.(C) 2982/2026, CM APPL. 14391/2026 & CM APPL. 14392/2026

RACHNA JAIN

.....Petitioner

Through: Mr. Vinod Kumar Mantoo, Mr. Hem Kumar and Ms. Niharika Mantoo, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Shilpa Dewan, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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09.03.2026

1. The matter has been listed as per the urgent mentioning and has been taken up for hearing at 4:30 PM.

2. The present writ petition has been filed seeking the following reliefs:-

a) Issue a Writ of Certiorari quashing the Vacation Notice dated 02.03.2026

bearing No. EE(B)-II/Shah(S)/2026/D-167 issued by the Respondents

under Section 349 of the DMC Act, 1957 against Flat No. 50 and 51, Pocket-

E, Phase-II, Mayur Vihar, Delhi.

b) Declare that the alleged proceedings under U/C File No.

50/B/UC/SH(S)/2023 dated 22.05.2023 stand concluded upon

acceptance of demolition charges.

3. Counsel appearing on behalf of the petitioner submits that demolition action against the petitioner's property took place on 18th September, 2023 and after that, no further Show Cause Notice or demolition orders have been



served upon the petitioner. He further submits that no Show Cause Notice/demolition order was received by the petitioner prior to 18th September 2023 as well.

4. Ms. Shilpa Dewan, counsel appearing on behalf of the respondent/MCD, refutes the aforesaid submission and submits that Show Cause Notice and demolition order were duly served upon the petitioner. She submits that action has been planned on 9th March 2026 in terms of the order passed by this Court on 27th February 2026 in W.P.(C) 2758/2026 titled as **“Vijay Kumar Kholia v. MCD & Ors.”**

5. Having heard the counsel for the parties, it would be in the interest of justice if the petitioner is given some time to invoke his statutory remedy of appeal. It cannot be disputed that the last demolition action against the property was carried out on 18th September, 2023 and after that, no further demolition action could be carried out due to various reasons. Now, a vacation order dated 2nd March 2026 was posted at the premises of the petitioner on 6th March 2026 to vacate the premises within 24 hours.

6. In view thereof, the present writ petition is disposed of while giving liberty to the petitioner to approach the Appellate Tribunal, MCD (ATMCD). The petitioner shall approach ATMCD within two (2) weeks from today.

7. Till the time ATMCD considers the matter, including any application for interim stay, no coercive action shall be taken by the respondent/MCD.

8. It is clarified that this Court has not expressed any opinion on the merits of the case.

AMIT BANSAL, J

MARCH 9, 2026/Vivek/-