



\$~77

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

+ **W.P.(C) 5323/2026, CM APPL. 26027/2026 & CM APPL. 26028/2026**

JYOTI RATHORE

.....Petitioner

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

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel, MCD with Mr. Amaan Khan, Mr. Bhavishya Makhija and Mr. Chaitanya Popli, Advocates for MCD
Mr. Prabhsahay Kaur, Standing Counsel for DDA with Mr. Aditya Verma, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

20.04.2026

%

1. The present writ petition has been filed seeking quashing of vacation notice dated 13th April, 2026 passed under Section 349 of the Delhi Municipal Corporation Act, 1957 (DMC Act) issued by the respondent no.1/ MCD on the property bearing No.S-42/A (Corner), Budh Vihar, Phase-1, New Delhi-110086.

2. Further direction is sought by the petitioner that the respondents



consider and decide the regularisation application of the petitioner in respect of the said property.

3. Earlier, the petitioner had filed a writ petition being W.P.(C) 17037/2025 which was disposed of by this Court vide order dated 12th November, 2025. The relevant observations of the Court in the said order are set out below:-

“11. Accordingly, the application for regularization, which has been filed by the petitioner, be considered by the MCD. All the documents filed on behalf of the petitioner, including documents pertaining to the Scheme of PM Uday, be also considered by the MCD, at the time of considering the application of the petitioner.

12. The petitioner, through his authorized representative, shall be called for hearing at the time of considering the application of the petitioner.

13. Considering the submissions made before this Court, it is directed that the petitioner/his authorized representative, shall appear before Executive Engineer, Building-1, Rohini Zone, on 18th November, 2025, at 11.00 A.M.”

4. The grievance of the petitioner is that the vacation order has been passed despite the respondent no.1/ MCD not complying with directions passed herein above. The petitioner was not called for a personal hearing as directed.

5. In view of the above, vacation order dated 13th April, 2026 is hereby quashed.

6. The respondent no.1/ MCD shall decide the regularisation application filed by the petitioner afresh in terms of the aforesaid directions passed in order dated 12th November, 2025 in W.P.(C) 17037/2025.

7. No coercive steps shall be taken by the respondent no.1/ MCD against the property of petitioner till the time application for regularisation is



decided.

8. Needless to state that in case, the petitioner is aggrieved by any order passed by the respondent no.1/MCD, the petitioner is at liberty to seek remedies in accordance with law.

9. Insofar as relief sought against the respondent no.2/ DDA is concerned, Ms. Prabhsahay Kaur, counsel appearing on behalf of DDA, submits that as per the notification dated 6th April, 2026, the power given to DDA to grant property rights now stands transferred to the Government of National Capital Territory of Delhi (GNCTD).

10. The writ petition along with the pending applications is disposed of.

AMIT BANSAL, J

APRIL 20, 2026

ds