$~89

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

\# **CNR No. DLHC010482382026**

\+ W.P.(C) 14815/2026

SANGEET BALHARA & ORS. .....Petitioners

Through: Mr. Sanket Khandelwal, Mr. Siddharth Bansal, and Mr. Akash Tripathi, Advs. (8810447414)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Neeraj Dubey, SPC for R4 (9811411696)

**CORAM:**
**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**O R D E R**

**% 06.10.2026**

**CM APPL. 69492/2026** *(Exemption)*

1. Allowed, subject to all just exceptions.

2. The present application is disposed of.

**W.P.(C) 14815/2026, CM APPL. 69491/2026** *(Interim protection)*

3. By virtue of the present petition under *Article 226* of the Constitution of India, the petitioners seek following reliefs:

> *"a. Issue an appropriate writ, order or direction in the nature of Certiorari, thereby quashing and setting aside the impugned Vacation Notice No. 949/AE(B)/SZ/2026 dated 17.06.2026 purportedly issued under Section 349 of the Delhi Municipal Corporation Act 1957 in respect of the subject property, being arbitrary, illegal, unreasonable and contrary*

*This is a digitally signed order.*
*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*
*The Order is downloaded from the DHC Server on 08/10/2026 at 12:22:31*

*to the provisions of the Delhi Municipal Corporation Act, 1957 and the principles of natural justice;*

*b. Issue a writ of Mandamus or any other appropriate writ, order or direction thereby directing the Respondents that any action in respect of the subject property, including any action for demolition, sealing or vacation thereof, be undertaken only after due service of the requisite statutory notices and orders upon the Petitioners and after affording them a reasonable and effective opportunity in accordance with law and strictly in compliance with the provisions of the Delhi Municipal Corporation Act, 1957;*

*c. Grant liberty to the Petitioners to avail their appropriate statutory remedies, including the remedy before the learned Appellate Tribunal, MCD, upon being supplied with the demolition/sealing order or other proceedings, if any, pertaining to the subject property;*

*d. Award costs of the present proceedings in favour of the Petitioners and against the Respondents; and"*

4. Issue notice.

5. Learned counsel for the respondent nos.1 to 3 as also for respondent no.4 respectively accept notice.

6. Learned counsel for the respondent nos.1 to 3, handing over copies of Show-Cause Notice dated 05.02.2026 and the subsequent Demolition Order dated 25.02.2026, which are taken on record and copies whereof have also been handed over to learned counsel for the petitioners, submits that the same were duly issued. He, however, submits that the impugned Notice dated 17.06.2026 [***impugned Notice***] was not served on the petitioners as they were not found at the premises qua which the same was issued.

7. Learned counsel for the MCD, without adverting to the merits

*This is a digitally signed order.*
*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*
*The Order is downloaded from the DHC Server on 08/10/2026 at 12:22:31*

involved, submits that no coercive steps shall be taken in furtherance of the impugned Notice for a period of *one week* from today.

8. Considering the above learned counsel for the petitioners seeks to withdraw the present petition with liberty to seek appropriate remedies in accordance with law to challenge the impugned Notice.

9. The present petition, alongwith pending application, is dismissed as withdrawn with liberty as prayed for.

**SAURABH BANERJEE, J**

**OCTOBER 6, 2026/Ab**

*This is a digitally signed order.*
*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*
*The Order is downloaded from the DHC Server on 08/10/2026 at 12:22:31*