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

% **Date of Decision: 12th November, 2025**

+ W.P.(C) 17037/2025, CM APPL. 70096/2025 & CM APPL.
70097/2025

JYOTI RATHORE

.....Petitioner

Through: Mr. Vinod Kumar Mantoo, Mr. Hem
Kumar and Ms. Niharika Mantoo,
Advocates
Mob: 9868578517

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Umakant Mishra, SC with Mr.
Shobit, AE for MCD
Mob: 9871595014
Email:
advocateumakantmishra@yahoo.com
Mr. Prabhsahay Kaur, SC for DDA
with Ms. Aryma Sharma and Mr.
Aditya Verma, Advocates
Email: sahayk@gmail.com
Mob: 8800695709

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present writ petition has been filed challenging the Vacation Notice dated 13th October, 2025, issued under Section 349 of the Delhi Municipal Corporation Act, 1957 ("DMC Act") issued by respondent-Municipal Corporation of Delhi ("MCD"), with respect to property of the petitioner bearing No. S-42/A (Corner), Budh Vihar, Phase-1, New Delhi –



110086.

2. This Court notes that the present writ petition has been filed on the premise that the aforesaid Vacation Notice has been issued despite the fact that regularization application of the petitioner is still pending.

3. Today, learned counsel appearing for the respondent-MCD has handed over copy of Status Report, which is stated to have already been filed. The same is taken on record.

4. As per the said Status Report, after the remand of the matter by Appellate Tribunal, MCD (“ATMCD”) in the previous proceedings initiated by the petitioner, a final order dated 28th March, 2025, has already been issued by the office of Executive Engineer (Building), Rohini Zone-1, MCD, under Section 343 (1) of the DMC Act.

5. Learned counsel appearing for MCD further submits that an order under Section 345A of the DMC Act, dated 27th August, 2025 for sealing the property in question has also been issued. He submits that the Vacation Notice dated 13th October, 2025, has been issued, pursuant to the Demolition Order dated 28th March, 2025 and the aforesaid Sealing Order dated 27th August, 2025. He further submits that the application of the petitioner for regularization already stands rejected, *vide* order dated 07th November, 2025.

6. At this stage, learned counsel appearing for the petitioner submits that the petitioner was not served with the aforesaid documents, which have been received by the petitioner only yesterday, along with the Status Report that was served upon the petitioner. He, thus, submits that the petitioner came to the knowledge and possession of the said documents only yesterday. He further submits that petitioner became aware of the rejection of his



application for regularization *vide* order 07th November, 2025, only yesterday, when the said order was served upon him, along with the Status Report. He, thus, submits that today morning itself, the petitioner has applied for re-opening of the regularization application.

7. Learned counsel appearing for the petitioner has also handed over certain documents with regard to filing of fresh application for regularization and the list of provisional regularization certificates distributed to the applicants of the unauthorized colony, including, a printout from the PM Uday Portal. The said documents are taken on record.

8. Learned counsel for the petitioner submits that the sole reason for rejection of the application for regularization of the petitioner, is that as per the MCD, there is no such policy for regularization in an unauthorized colony. However, learned counsel appearing for the petitioner submits that the petitioner is covered by the PM Uday Policy, issued by the Delhi Development Authority (“DDA”), as per which, propriety rights shall be conferred on the various persons, who are owners of properties in unauthorized colonies. He, thus, submits that he shall bring all the aforesaid facts before the MCD.

9. He further submits that the petitioner also relies upon the policy/circular of the MCD itself, i.e., *Circular No. D-111/COM/SDMC/2012*, dated 20th June, 2012 and *Circular No. TT/G/3426/11*, dated 28th September, 2011, issued by the Town Planning Department, MCD.

10. The aforesaid statements are taken note of.

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.*

14. This Court also takes note of the submission made by learned counsel appearing for the petitioner that a representation has been made to the DDA, dated 24th December, 2024, wherein, the petitioner has claimed issuance of certificate under the PM Uday Scheme.

15. In response to the aforesaid submission made by learned counsel appearing for the petitioner, learned counsel appearing for the respondent-DDA submits that requisite documents are yet to be received from the petitioner.

16. Learned counsel appearing for the DDA submits that requisite application and documents are filed through online PM Uday Portal. She submits that it is only after all the requisite documents are submitted by an applicant on the online portal of PM Uday, that said application along with requisite document is forwarded to DDA. She submits that as of today, there is no such application with the DDA.

17. Learned counsel appearing for DDA further submits that it is only after receipt of all the documents that an inspection is done by the DDA, for the purposes of issuance of certificate under the PM Uday Scheme.

18. At this stage, this Court takes note of the submission made by learned



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counsel appearing for the petitioner that the documents were duly uploaded by the petitioner on the PM Uday Portal and draws the attention of this Court, to the receipt generated, which is reproduced as under:

12/24/24, 6:18 PM

DDA Applicants

 DELHI DEVELOPMENT AUTHORITY

PM-UDAY

PRADHAN MANTRI - UNAUTHORIZED COLONIES IN DELHI
AREAS ADHIKAR YOJANA

 GOVERNMENT OF INDIA
MINISTRY OF HOUSING AND
URBAN AFFAIRS

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Survey Details

GIS-COORDINATES DETAILS

Colony Name :	Budh Vihar Colony, Phase-I & II, Delhi		
Registration Id:	DDA/08122024113417979/221277		
Plot No :	House Number S-42	House/Flat No :	House Number S-42
Total Area of plot (sqm) :	83.61 SQM	District :	NORTH EAST
Village :	Budh Vihar Colony, Phase-I & II, Delhi	Street :	Budh Vihar Colony, Phase-I & II, Delhi
PINCODE :	110086		

APPLICANT DETAILS

First Name :	Jyoti	Middle Name :	rathore
Last Name :			
Date/Time :	2024-12-24 18:25:01.564		

Your Survey Reference Number is : DDA/GIS/24122024062501/393098

Disclaimer: This is the Beta version of the web portal of DDA. At this time, the Registration Page has been activated for registrations under the scheme. More features will be added shortly.

+91-9810836094

19. Learned counsel appearing for the petitioner further submits that no Deficiency Letter has been received by the petitioner as on date.
20. Accordingly, it is directed that in order to resolve the said issue, hearing be granted by the concerned official of the DDA to the petitioner/his



authorized representative.

21. Accordingly, the petitioner/authorized representative are directed to meet: *Mr. Skand Bharadwaj, AD, P.M. UDAY, Address: Office of Dy. Director (P.M. UDAY, DDA Office Complex, Near Deepali Chowk, Sector-3, Rohini, New Delhi-110034, Mob: 9718798799*, on 25th November, 2025, at 12.00 PM.

22. The petitioner shall remove the deficiency and upload the requisite documents on the online portal of PM Uday, in terms of any directions that may be given by the aforesaid official of the DDA in this regard.

23. Upon the petitioner uploading all the requisite documents and upon receipt of the application of the petitioner thereafter, the DDA shall act, in accordance with the policy under the PM Uday Scheme.

24. Accordingly, it is directed that no coercive action shall be taken against the property of the petitioner, during the pendency of the regularization application.

25. Needless to state, the MCD shall be at liberty to take action, in accordance with law, subject to outcome of the regularization application.

26. Rights and contentions of both the parties are kept open.

27. In the meanwhile, the petitioner is directed to maintain *status quo* as regards the construction in the property in question.

28. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 12, 2025/SK