



2025:DHC:8299



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 18th September, 2025**+ **W.P.(C) 14518/2025 & CM APPL. 59522-59523/2025****SURESH CHANDRA & ORS.**

.....Petitioners

Through: Mr. Devesh Pratap Singh, Mr. Abhishek Kumar, Ms. Ankita Pandey, Mr. Imtiyaz and Mr. Aditya Kumar, Advocates
Mob: 9897465006
Email: kumarabhishek@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Kapil Dutta, Advocate for MCD
Mob: 9811135509
Email: kapilduttamcd@gmail.com

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking quashing of the impugned Vacation Notice dated 27th October, 2022, issued under Section 349 of the Delhi Municipal Corporation Act, 1957 by respondent no. 1- Municipal Corporation of Delhi ("MCD"), thereby, directing the vacation of the petitioners' residential premises situated at *House No. A-138 (RHS), Bharat Vihar, Kakrola, New Delhi – 110078*.
2. Learned counsel appearing for the petitioner submits that the aforesaid Vacation Notice dated 27th October, 2022 was never supplied to the petitioner.
3. He further submits that prior to the said Vacation Notice, no Show



Cause Notice or Demolition Order, has also been supplied to the petitioners.

4. Learned counsel appearing for the petitioners submits that the petitioners came to know about the Vacation Notice only during the proceedings in the *Civil Suit No. CS DJ ADJ 684/23* titled “*Kamlesh Kumar Versus Suresh Chand Sharma and Ors.*”, which has been filed by respondent no. 2 herein.

5. Learned counsel appearing for the petitioners also draws the attention of this Court to the Vacation Notice dated 27th October, 2022 attached as *Annexure P-1*, to submit that the address of the petitioner has been given as “property adjacent to *A-138 (RHS), Bharat Vihar, Kakrola*”. He, thus, submits that proper address of the petitioner has not even been given in the said Vacation Notice.

6. He further draws the attention of this Court to the order dated 11th September, 2025 passed by District Judge-03, South West, Dwarka, New Delhi, in the aforesaid suit, wherein, statement of law officer of MCD has been recorded that demolition program against the property of the petitioners is next fixed on 19th September, 2025.

7. Thus, learned counsel appearing for the petitioners submits that the present writ petition has been filed with a limited prayer in order to enable the petitioners to approach the Appellate Tribunal, MCD (“ATMCD”) for filing an appeal therein.

8. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 1-MCD, who submits that the Vacation Notice has been issued only after passing of a Demolition Order and after following the due process of law.

9. *Per contra*, learned counsel appearing for the petitioners submits that



he is only seeking a limited relief before this Court.

10. Accordingly, considering the submissions made before this Court, and in order to enable the petitioners to file an appeal before the ATMCD, it is directed that no coercive action shall be taken for a period of two weeks against the petitioners in order to enable the petitioners to file an appeal before the ATMCD.

11. This Court is informed that currently there is no Presiding Officer in the ATMCD. Thus, in case, on the date of filing of the appeal, there is no Presiding Officer in the ATMCD and a date is given, the protection granted by today's order, shall extend automatically to any next date, which is given by the ATMCD.

12. However, it is clarified that in case, the Presiding Officer of the ATMCD takes charge, the petitioner herein, within two weeks of the said Presiding Officer taking charge, shall file an application for taking up his appeal for hearing.

13. It is further clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD independently, after hearing the parties.

14. Rights and contentions of all the parties are left open, to be decided in appropriate proceedings.

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

MINI PUSHKARNA, J

SEPTEMBER 18, 2025

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