



2025:DHC:8783



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

% **Date of Decision: 25<sup>th</sup> September, 2025**

+ **W.P.(C) 12444/2024 & CM APPL. 51811/2024**

**PARDEEP SOLANKI AND ORS. ....Petitioners**

Through: Mr. Jai Sahai Endlaw, Mr. J.V.  
Rana and Ms. Shruti Kapur, Advs.  
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versus

**MUNICIPAL CORPORATION OF DELHI ORS. ....Respondents**

Through: Mr. Manu Chaturvedi, SC for  
MCD.  
Mob: 9315827955  
Email:  
[manuchaturvedi@gmail.com](mailto:manuchaturvedi@gmail.com)  
Mr. Roopansh Purohit and Ms.  
Narayani Sepaha, Advs. for R-2 to  
4.  
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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (Oral)**

1. The present writ petition has been filed seeking quashing of the Vacation Notice dated 28<sup>th</sup> August, 2024, issued by respondent no. 1 with respect to the property at *Khasra No. 446, part of Neha Green Vatika, Nasirpur Road, Manglapuri* and property *Adj. to Plot No. 03, Khasra No. 446, Mahavir Enclave*.
2. This Court notes that when the present matter was listed for the



first time, interim protection was granted to the petitioners herein vide order dated 05<sup>th</sup> September, 2024, in the following manner:

“xxx xxx xxx

1. Heard learned senior counsel appearing for the petitioner who submits that the impugned action under Section 349 of the Delhi Municipal Corporation Act, 1957 [‘Act’] is not amenable to appellate authority under the Act i.e., Appellate Tribunal-Municipal Corporation of Delhi (‘ATMCD’).

2. Issue notice.

3. Notice on behalf of the Corporation is accepted by Mr. Manu Chaturvedi. Let the steps be taken to serve the remaining respondents.

4. Mr. Manu Chaturvedi, on advance instructions, points out that with respect to this, in an almost similar writ petition bearing W.P.(C) 11284/2022, this Court vide order dated 28.08.2024 has directed certain steps to be taken. He further submits that as per his instructions, after carrying out the entire exercise up to the stage of Section 343 of the Act, the Corporation resorted to take action by way of issuance of notice under Section 349 of the Act. He, therefore, submits that when the petitioner failed to challenge any of the action taken by the Corporation including the order of demolition, the instant writ petition would not be maintainable at this stage. The said position, however, is disputed by the petitioners.

5. Having considered the submissions, the Court finds it appropriate to direct the Corporation to place on record the steps which they had already taken before issuance of the impugned notice. Depending upon the affidavit to be filed by the Corporation, the Court shall consider to pass necessary order.

6. Till the next date of hearing, the Corporation is restrained to take any coercive steps with respect to the property in question.

7. Let the reply be filed within five working days.

8. Rejoinder, if any, be filed within three working days thereafter.

9. List on 18.09.2024.”

(Emphasis Supplied)

3. The said interim protection in favour of the petitioners continues



even till date.

4. This Court takes note of the submission made by learned counsel appearing for the petitioners that the petitioners were served only with copy of the aforesaid Vacation Notice and no other notice or intimation in this regard.

5. *Per contra*, it is the stand on behalf of the Municipal Corporation of Delhi (“MCD”) that the Vacation Notice was issued only in view of the fact that at a prior point of time, the show cause notice and a demolition order had been passed with respect to the premises in question, which was duly served upon the petitioners.

6. Learned counsel appearing for the respondent-MCD further submits that a Status Report has been filed by the MCD before this Court in September, 2024, wherein, all the notices for demolition, including, the relevant orders, had been filed by the MCD. Thus, the petitioners are in possession and knowledge of the said orders/notices.

7. At this stage, learned counsel appearing for the petitioners submits that it is only after the filing of the said Status Report that the petitioners have become aware of the said show cause notices and orders that had been passed with respect to the properties in question.

8. Having heard learned counsels appearing for the parties, this Court notes that as regards the issue of receipt of any show cause notice and orders pertaining to demolition and sealing, this Court shall not go into any disputed questions of the facts in the present proceedings. The said issue shall be considered in appropriate proceedings.

9. It is to be noted that in similar circumstances, this Court *vide* order dated 31<sup>st</sup> August, 2023, in *W.P.(C) 11415/2023*, titled as “*Vinod Kumar*



*Gupta & Ors. Versus The Municipal Corporation and Delhi*” had passed an order in the following manner:

“1. The petitioner has filed this petition under Article 226 of the Constitution challenging a vacation notice dated 20.06.2023, issued by the respondent under Section 349 of the Delhi Municipal Corporation Act, 1957 [“the Act”] in respect of property No. 533-54, Banke Bihari Market, Lahori Gate, Delhi (Ward no.-79).

2. Mr. Ranjeet Pandey, learned counsel for the respondent, who appears on advance notice, submits, upon instructions, that the subject property is already subject to a demolition order dated 21.03.2013 and a sealing order dated 10.07.2023. Mr. Shiv Charan Garg, learned counsel for the petitioner, however, contends that the said orders were never served upon the petitioner.

3. Having heard learned counsel for the parties, and particularly having regard to the fact that the aforesaid orders, which form the basis of the impugned order, are appealable under Section 347B of the Act, I am of the view that the appropriate course is to direct learned counsel for the respondent to serve the orders of demolition and sealing upon learned counsel for the petitioner during the course of the day to enable the petitioner to challenge the same, if so advised.

4. It is made clear that the question of whether the petitioners were, in fact, served with the orders at an earlier point of time and limitation for filing of the appeal is left open to be adjudicated before the Appellant Tribunal of the Municipal Corporation of Delhi [“ATMCD”] in the event of any appeal being filed.

5. As the impugned vacation notice is based upon the orders of demolition and sealing, the respondent is directed not to give effect to the vacation order for a period of two weeks from today. The parties will thereafter be governed by any interim orders passed by the ATMCD.

6. The writ petition, alongwith pending applications, is accordingly disposed of.

7. It is made clear that this Court has not adjudicated upon the merits of the controversy, which is left open for the ATMCD to adjudicate in accordance with law.”

(Emphasis Supplied)

10. Accordingly, the petitioners herein are granted liberty to approach



the Appellate Tribunal MCD (“ATMCD”) and file an appeal challenging all the orders and notices, as had been attached by the MCD in its Status Report filed before this Court.

11. It is clarified that the issue as to whether the petitioners were served with the said notices/orders at any earlier point of time, shall be adjudicated by the ATMCD.

12. Further, it is manifest that any Vacation Notice issued by the MCD for carrying out any demolition action, is only subsequent to any demolition order passed by the MCD. Accordingly, any Vacation Notice issued to any party, ought to be challenged, along with the said demolition order, before the appropriate authority, i.e., ATMCD.

13. In order to allow the petitioners to file an appeal before the ATMCD, it is directed that no coercive action shall be taken against the petitioners for a period of four weeks, from today.

14. In case, the petitioners file the appeal within a period of four weeks, no further coercive action shall be taken against the petitioners, till the appeals of the petitioners are taken up for hearing by the ATMCD.

15. This Court is informed that, as of now, there is no Presiding Officer, in the ATMCD. Thus, it is clarified that, in case, there is no Presiding Officer in the ATMCD even at the time when the petitioners file their appeals, the protection granted by today’s order, shall automatically be extended to any date which is granted by the ATMCD.

16. It is made clear that this Court has not expressed any opinion on the merits of the case, as advanced by any of the parties.

17. Rights and contentions of all the parties are left open, which shall



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be decided on merits by the ATMCD.

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

**MINI PUSHKARNA, J**

**SEPTEMBER 25, 2025/SK**