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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 27th June, 2025***
+ W.P.(C) 8558/2025 & CM APPL. 37014-37015/2025
VINOD GOELPetitioner

Through: Mr. Vaibhav Gaggar, Sr. Advocate
with Mr. Akash Deep Gupta, Mr.
Somdev Tiwari, Mr. Prashant Singh
and Ms. Sharda Garg, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondent

Through: Mr. Manoj K Sharma, ASC for MCD.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner seeks quashing of the order dated 15.05.2025 passed by learned SDM, Punjabi Bagh, District West, whereby, the concerned SDM has come to the finding that there is an unauthorized construction without any approval from the Competent Authority and, therefore, MCD has been asked to take necessary action for demolition against such unauthorized construction.
2. Pursuant to the abovesaid order of learned SDM, MCD has issued a vacation notice under Section 349 of DMC Act, 1957.
3. The order passed by learned SDM, Punjabi Bagh, District West, would indicate that there was no representation from the side of the concerned respondents.
4. The notice was duly sent to respondent Nos. 2 to 6 and the petitioner herein happens to be respondent No. 6 but for the reasons best known to them,



they never chose to appear before the concerned SDM. There was no response from their side despite the fact that the notice was duly affixed at the site.

5. According to the petitioner, there was some *inter se* disputes between the petitioner and his partners and, therefore, he never came to know about the abovesaid notice and could not participate in the proceedings conducted by the learned SDM.

6. It is, however, submitted that the intention of the petitioner is not to run away and he is ready to submit his reply before the concerned learned SDM within 3 days from today i.e. by 01.07.2025

7. Learned counsel for the respondent Corporation appears on advance notice and submits that petitioner should not be granted any indulgence as in the entire petition they have not denied the aspect related to affixation of notice.

8. Be that as it may, the decision has been taken without having any response from the side of the petitioner herein and keeping in mind the overall facts and circumstances of the case and in the interest of justice, the present petition is disposed of with direction that the petitioner herein would be permitted to file reply, if any, on or before 01.07.2025 before the concerned learned SDM. In case any such reply is filed, learned SDM may proceed further with the matter *qua* him and pass appropriate further order *qua* the petitioner, in accordance with law.

9. As a result of the abovesaid, the impugned order dated 15.05.2025, so far as it relates to the petitioner, is set aside.

10. Needless to emphasize that all the rights and the contentions of the parties are reserved and the abovesaid order has been passed, without giving any observation on the merits of the case as such.



11. The petition stands disposed of in aforesaid terms.
12. Pending applications also stand disposed of in aforesaid terms.
13. Order *dasti* under the signatures of the Court Master.

MANOJ JAIN, J
(VACATION JUDGE)

JUNE 27, 2025/sw/b/JS