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

+ W.P.(C) 8719/2024, CM APPL. 35592/2024 & CM APPL.
35593/2024

SUBHASH CHANDER

..... Petitioner

Through: Mr. Deepak, Mr. Amit Kumar, Mr.
Shivek Rai Kapoor, Mr. Shailendra
Pratap Singh, Mr. Vansh, Mr. Devrat
Pradhan and Mr. Manu Karan
Sharma, Advocates.

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versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Ms. Jasleen Kaur Sawhney, Advocate
for MCD

Mob: 7827377312

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **26.06.2024**

CM APPL. 35593/2024 (for Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 8719/2024, CM APPL. 35592/2024

3. The present petition has been filed seeking direction for quashing of the vacation notice dated 6th June, 2024 issued by the respondent- Municipal Corporation of Delhi ("MCD"), with respect to *Property No. 1977/1*,



Railway Road, Narela, New Delhi-110040.

4. Learned counsel appearing for the petitioner submits that the petitioner is the owner of the aforesaid property, which measures about 17 Sq. Mtrs., comprising of one small shop on the Ground Floor and the entire Upper Floor, i.e., First Floor and built-up Second Floor.

5. It is submitted that the respondent-MCD by way of the vacation notice dated 6th June, 2024 has directed the petitioner to vacate the subject property, so that the respondent can demolish the unauthorized construction. It is submitted that the vacation notice has been issued, despite the fact that the unauthorised construction in the subject property has already been demolished by the respondent on 26th September, 2023.

6. Further, the said demolition proceedings were concluded by way of issuing demand notice dated 23rd November, 2023, which was duly complied by the petitioner on 19th December, 2023, by making the payment of the demolition charges. Thus, it is submitted that there was no occasion for issuance of the present vacation notice.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD.

8. She submits that the dispute with respect to the present property was earlier pending before the learned Appellate Tribunal; Municipal Corporation of Delhi (“ATMCD”). She submits that the ATMCD had remanded the matter back to the MCD, after which, proceedings took place before the department and hearing was also granted to the petitioner.

9. She further submits that pursuant to the conclusion of the hearing of the petitioner, further action is sought to be taken by the department.

10. Let Status Report/reply be filed by the MCD before the next date of



hearing.

11. List before the Roster Bench, on 2nd July, 2024.

**MINI PUSHKARNA, J
(VACATION JUDGE)**

JUNE 26, 2024
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