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

CNR No. DLHC010420192026

+ **W.P.(C) 12957/2026 & CM APPL. 60245-60246/2026**

MS FENN AND JACOB ASSOCIATES LLPPetitioner

Through: Dr. Amit George with Mr. Rajnish Kumar Jha, Mr. Nishant Kumar Srivastava, Mr. Faiyazul Haque, Ms. Dolli Bhardwaj, Mr. Vaibhav Gandhi, Ms. Tanushree Gupta and Mr. Naman Sharma, Advocates.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Shivam Sachdeva, Additional Standing Counsel with Mr. Yash Agrawal and Mr. Amit Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **07.09.2026**

1. The present writ petition has been filed seeking the following reliefs:

- a) issue a Writ of Certiorari or any other appropriate writ, order, or direction setting aside the impugned Notice dated 01.09.2026 bearing No. D/39/MU/DC/Bldg./SZ/2026 issued by Respondent under Section 345-A of the DMC Act, 1957;
- b) alternatively issue a Writ of Mandamus directing the Respondent to grant an opportunity to the Petitioner to present its facts of the case, and pass a reasoned speaking order in accordance with law, before taking any coercive/sealing action against the Petitioner's premises; and



2. It is stated that the petitioner is running a restaurant in the name of 'Mahabelly Canteen' at Khasra No.264, Ground Floor, Westend Marg, Saidulajab, New Delhi - 110030 ('subject premises').
3. The grievance of the petitioner is with regard to notice dated 1st September, 2026 issued by MCD under Section 345-A of the Delhi Municipal Corporation Act, 1957 ('DMC Act') which was pasted on the premises of the petitioner on 2nd September, 2026 whereby the petitioner has been directed to stop the alleged misuse of the premises within 48 hours, failing which action would be taken.
4. Counsel for the petitioner submits that the petitioner has obtained statutory licenses, including a Health Trade License dated 14th July, 2026 issued by MCD itself permitting the running of the restaurant at the subject premises.
 - 4.1 It is further submitted that the impugned notice has been issued without any opportunity of hearing being granted to the petitioner.
5. Having heard the counsel for the parties, this Court is of the opinion that the impugned notice dated 1st September, 2026 be treated as a show cause notice to the petitioner.
6. The petitioner is granted two (2) weeks' time to reply to the said notice.
7. The MCD shall adjudicate the said show cause notice in accordance with law. Till the time a decision is taken by the MCD and communicated to the petitioner, no coercive steps shall be taken against the restaurant at subject premises.
8. Accordingly, the present writ petition is disposed of in the aforesaid terms.



9. All rights, contentions and legal remedies of the parties are kept open.
10. The pending applications stand disposed of.

AMIT BANSAL, J

SEPTEMBER 7, 2026

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