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

+ W.P.(C) 12628/2024  
OMPRAKASH

.....Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH  
COMMISSIONER & ORS.

.....Respondents

Through: Ms. Sangeeta Bharti, Standing  
Counsel of DJB with Ms. Vidushi  
Gupta, Advocates for R-3/DJB.  
Mr. Chiranjiv Kumar and Mr.  
Mukesh Sachdeva, Advocates for  
R-5.  
Mr. Murari Tiwari, Advocate for  
R-9 and 10.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.11.2024**

**CM APPL. 67420/2024 (for restoration)**

1. The writ petitioner has been filed this application for recall of an order dated 16.10.2024 by which the petition was dismissed as withdrawn. It is contended that the counsel who appeared on that date had not been instructed to withdraw the petition. These contentions are disputed by learned counsel, who is also present in Court, and by the respondents. However, instead of entering into this factual controversy, in order to give the petitioner an opportunity to argue the case, the order is recalled and the writ petition is restored to its original number.



2. The writ petition is taken on board with the consent of learned counsel for parties.

3. The application stands disposed of.

**W.P.(C) 12628/2024**

1. The writ petition is directed against alleged illegal construction at *Plot No. 149/1, Export Enclave, Devli, Nayi Basti Road, New Delhi – 110080* [“subject property”].

2. The Municipal Corporation of Delhi [“MCD”] has filed a status report dated 10.10.2024, in which it is stated that the property in question has been identified as *Khasra No.149/1, Export Enclave, Nai Basti Road, Devli Village, New Delhi* which was booked for unauthorised construction on 05.09.2024 in the shape of basement, ground floor, first floor, second floor and third floor. A work stop notice was issued on 06.09.2024 and a demolition order was passed on 13.09.2024. Sealing proceedings have also been initiated pursuant to which the Deputy Commissioner, MCD has passed a sealing order on 04.10.2024. Sealing Action was carried out on 08.10.2024. The status report further states that necessary requests have already been addressed to the police authorities to keep vigil over the property.

3. Learned counsel for MCD has also handed over a copy of a Letter dated 19.11.2024 addressed by MCD to the concerned Deputy Commissioner of Police stating that demolition/sealing action in respect of unauthorised constructions of the floors in question is scheduled on 26.11.2024. A copy of the said letter is taken on record. Learned counsel for MCD states that further action will be taken in accordance with law as expeditiously as possible.



4. In view of the above, it appears that the petitioner's grievance regarding unauthorised construction in the subject property has already been taken note of by MCD and orders have been passed. No further orders are, therefore, necessary in this writ petition which stands disposed of.

5. The aforesaid submissions have been recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose remedies are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

6. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to approach the Special Task Force ["STF"], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors.* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated



02.09.2024 in WP (C) 12102/2024].

7. In view of the disposal of the writ petition, Mr. Murari Tiwari, learned counsel for the applicant in CM APPL. 59106/2024, does not press the application at this stage, but reserves the right of the applicant to institute a subsequent application on the same cause of action.

8. The writ petition and the application are disposed of in the above terms.

**PRATEEK JALAN, J**

**NOVEMBER 20, 2024**

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