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

+ W.P.(C) 2828/2024

SUDHIR AGARWAL

.....Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Ashutosh Gupta and Mr.
Arman Monga, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution complaining of alleged unauthorised construction in property *No. C-7/1, Model Town-Third, Delhi-110009*. [“subject property”]
2. Municipal Corporation of Delhi [“MCD”] has filed a status report dated 13.05.2024. The status report states that the subject property was booked and a demolition order was passed on 13.03.2024. A copy of the demolition order has also been annexed to the status report.
3. Mr. Ashutosh Gupta, learned counsel for MCD, has been instructed that partial demolition action has also taken place on 26.07.2024 on the fourth floor of the subject property. He states that further action will be taken expeditiously, in accordance with law, and preferably within a period of 12 weeks from today, subject to availability of the police force.
4. Learned counsel for the petitioner disputes that action has been



taken. However, in view of the statement of Mr. Gupta, that further action will be taken within the period specified above, it is not necessary to keep the present writ petition pending any further. The writ petition is therefore disposed of.

5. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any owners/occupants of the subject property, whose rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

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].

PRATEEK JALAN, J

OCTOBER 24, 2024/MR/