



\$~1

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

+ W.P.(C) 3192/2024 & CM APPL. 13137/2024

RITIK DRALL

.....Petitioner

Through: Ms. Sukriti Ghai, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Latika Malhotra, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

03.10.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of unauthorised construction at property *Khewat No. 75/14, 15 Jagdev Singh, Tillu Marg, Tikri Kalan, New Delhi-110041*.
2. The status report dated 13.09.2024, filed by the Municipal Corporation of Delhi ["MCD"], records that a show cause notice was issued on 23.07.2024 and demolition order was issued on 01.08.2024. A vacation notice was also issued on 12.08.2024. Thereafter, partial demolition action has been taken on 09.09.2024. The MCD has stated that further action will be taken in due course of time.
3. The petitioner has placed on record certain photographs. It is contended that, even after the partial demolition action, the



owners/occupants have recommenced illegal construction to restore the demolished portions of the property.

4. Learned counsel for MCD states that the property will be inspected again within 3 days from today and if unauthorised construction is found to have recommenced, necessary action will be initiated including stop work notices, institution of criminal proceedings, and sealing of the property in question, as may be permissible in law. He states that, in any event, further demolition action will be taken as expeditiously as possible, subject to the availability of police force, and not later than 8 weeks from today.

5. In view of the above, the petition is disposed of, binding MCD to the aforesaid submissions.

6. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of the respondents or any other 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.

7. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to approach the Special Task Force, 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 3, 2024/MR/