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

+ W.P.(C) 3429/2024
NARESH YADAV

.....Petitioner

Through: Mr. Absar Ahmad, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Nikhil Palli, Advocate for
MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
20.11.2024

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1. The petitioner has filed this petition, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property bearing *Khasra No. 161, House No. 13, Jogabai Village, Jamia Nagar, Okhla, New Delhi – 110025* [“subject property”].
2. Municipal Corporation of Delhi [“MCD”] has filed a status report dated 10.09.2024, in which it is stated that the unauthorised construction at the subject property was booked on 09.01.2024, and a demolition order was passed on 18.01.2024. A work stop notice was also issued on 15.01.2024 and a sealing order was passed on 22.02.2024. It was further stated that the action has been taken for demolition and sealing on 04.03.2024 and 04.09.2024.
3. Mr. Nikhil Palli, learned counsel for MCD, has handed over to the



Court, an additional status report dated 19.11.2024, which is taken on record. It is stated therein that the subject property was inspected again on 14.11.2024, and it was found that the seals had been tampered with. The property was therefore re-sealed on 16.11.2024. The watch and ward letter has also been issued to the concerned Station House Officer, and a complaint with regard to tampering of the seal has been filed. It is stated that further action in respect of the subject property will be taken upon lifting of Graded Response Action Plan-IV restrictions imposed due to severe pollution conditions in National Capital Territory of Delhi, which inhibits demolition action at this stage.

4. Having regard to the above submissions on behalf of MCD, Mr. Absar Ahmad, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of. However, Mr. Ahmad submits that construction has been raised in the subject property upto the first floor, during the pendency of the petition, and construction is ongoing despite these orders.

5. Mr. Palli states that MCD will inspect the subject property again within the next three days, and take such action as available in law.

6. The rights and contentions of the owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements, and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

7. In the event the petitioner has any further grievances 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

NOVEMBER 20, 2024
“Bhupi/AD”/