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

+ W.P.(C) 4357/2024 & CM APPL. 17862/2024

VIJAY SHARMA

.....Petitioner

Through: Mr. Harshad Gupta, Advocate.

versus

SUSHIL JAIN & ANR.

.....Respondents

Through: Mr. Abhinav Sharma, Mr.
Mahender Shukla, Mr. Ramit
Sehrawat, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.11.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged unauthorised construction at property No. 4704, *Phatak Badwalan, Charkhewalan, Ballimaran, Delhi – 110006* [“subject property”].

2. The Municipal Corporation of Delhi [“MCD”] has filed a status report dated 07.05.2024 in which it is stated that the subject property was inspected on 19.03.2024 and unauthorised construction was found in the ground floor, first floor, second floor and third floor (which were old and occupied) as well as the fourth floor, fifth floor and sixth floor of the subject property. Mr. Abhinav Sharma, learned counsel for MCD, states that demolition action was also taken on 09.05.2024 and 12.08.2024. He has handed over to the Court a copy of the vacation notice dated



22.08.2024, by which the occupiers of the subject property have been directed to vacate the property so that further demolition action can take place. Copy of the said vacation notice is taken on record.

3. Mr. Sharma states that further action in terms of the demolition order dated 03.04.2024 will be taken within eight weeks from the date of this order in accordance with law, and subject to availability of police force.

4. In view of the above statement on behalf of MCD, no further directions are required in this writ petition, which stands disposed of, alongwith pending applications.

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 statutory remedies are 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

NOVEMBER 4, 2024

“Bhupi”/