



\$~8

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

+ W.P.(C) 9892/2021

HARPREET KAUR

.....Petitioner

Through: Ms. Himanshi Niar, Advocate.

versus

THE COMMISSIONER, SDMC AND OTHERSRespondents

Through: Mr. Jitendra Kumar Tripathi, SC
for MCD.

Mr. Rishikesh Kumar, ASC for
GNCTD with Ms. Sheenu Priya,
Mr. Atik Gill, Mr. Sudhir Kumar
Shukla and Mr. Sudhir, Advts.

Mr. Pawan Mehta, Mr. Dushyant
Bhargava and Mr. Amit Kumar,
Advocate. for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

20.11.2024

1. The prayer in this petition under Article 226 of the Constitution, is for a direction against respondent Nos. 4 to 9 from continuing with alleged illegal and unauthorised construction at property being No. F-83, 1/1A, Gali No. 3, Virender Nagar, New Delhi-58 [“subject property”] and for direction upon respondent No.1- Municipal Corporation of Delhi [“MCD”] to demolish the newly or recently constructed premises.

2. MCD has filed a status report dated 27.09.2024 which is not on record. A copy of the said report has been handed over in Court and is taken on record. It is stated in the status report that the property in



question was booked for unauthorised construction on 01.09.2021, in the shape of one shop and columns at the ground floor. A demolition order was thereafter passed on 08.09.2021 and a vacation notice was issued on 22.10.2021. Demolition action was taken pursuant to these orders on 26.10.2021 during which four columns and brick walls on the ground floor, rear portion were demolished and roof slab of ground floor and first floor were also demolished. It is also stated that a show cause notice with regard to sealing of the property was issued on 02.11.2021, and a sealing order was passed on 02.12.2021. Pursuant to these orders, the property was sealed on 03.12.2021.

3. MCD has stated that it received an affidavit of undertaking from one Manpreet Singh (respondent No.5 herein), to the effect that he would completely remove or demolish the non-compoundable unauthorised construction and have the compoundable construction/deviation regularized. MCD has re-inspected the property and found that it is lying in demolished position.

4. From the facts placed on record by MCD, it appears that the relief sought in the writ petition has been substantially satisfied.

5. Learned counsel for the petitioner states that she has no instructions in this regard.

6. I, however, notice that the petitioner has not approached 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.*] for appropriate relief. She is at liberty to do so, if she has any subsisting grievances. The STF is directed to take action expeditiously. 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. The writ petition is disposed of in these terms.

PRATEEK JALAN, J

NOVEMBER 20, 2024

Bh/AL/