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

+ **W.P.(C) 10096/2021**

ASHISH WALIA

.....Petitioner

Through: **Mr. R. K. Mishra, Adv.**

versus

**NORTH DELHI MUNICIPAL CORPORATION
AND ORS**

.....Respondent

Through: **Mr. Anand Prakash Standing
Counsel, Ms. Varsha Arya, Mr.
Satbeer Prajapati, Advs for MCD.
Mr. Hetu Arora Sethi, ASC,
GNCTD/R-6 with Mr. Arjun Basra,
Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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03.09.2024

1. The petitioner in the instant writ petition has prayed for the following reliefs:-

“a) issue a writ of Mandamus or any other writ of the like nature, thereby directing the Respondent No. 1 to 3 to immediately stop work and demolish the illegal and unauthorized construction carried out by the Respondent No. 4 and 5 at the property bearing Municipal No. 284-28 Old), 623-624 (New), Ward No. VI, Main Bazar, Chandni Chowk, Delhi-110006;

b) pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in favour of the Petitioner and against the Respondents.”

2. The status report filed by the respondent-Corporation states that certain action has been taken with respect to the second floor, however, with



respect to the remaining portion, the same is found to be protected in view of the provisions of National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017.

3. Learned counsel who appears on behalf of the petitioner has a strong objection to the stand taken by the respondent-Corporation. According to him, the respondent-Corporation has erroneously taken the said position as other floor(s) of the property in question were also booked and the same were found to be unauthorisedly constructed.

4. The Court is of the considered opinion that if the petitioner has any grievance, as has been stated in his objection, the same can be efficaciously agitated before the Special Task Force constituted as per the observations of the Supreme Court in W.P. (C) 4677/1985 or the petitioner can intervene in the proceedings before Appellate Tribunal-MCD, where the matter appears to be pending with respect to some part of the property.

5. In view of the aforesaid, reserving the aforesaid liberty in favour of the petitioner to agitate his grievance before the Special Task Force or AT-MCD, the instant petition stands disposed of.

6. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 3, 2024/KG