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

+ W.P.(C) 11284/2022, CM APPL. 33172/2022, CM APPL. 61705/2024 & CM APPL. 61706/2024

BRIG RAJ SINGH SOLANKI RETD & ANR.Petitioners
Through: Mr. Rohit Yadav, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.Respondents
Through: Mr. Ashutosh Gupta, ASC with
Mr. Arman Monga, Advocate for
MCD.
Mr. Jai Sahai Endlaw, Mr. J.V.
Rana and Ms. Shruti Kapur,
Advocates for R-3 & 4.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
23.10.2024

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1. By an order dated 16.10.2024, it was recorded as follows:

“1. The petitioner has filed this writ petition, under Article 226 of the Constitution, for action against alleged illegal construction at Khasra No. 446 Min, Khata Khatouni No. 113, 114 and 115 measuring 4.16 Bighas each village Nasirpur, Delhi – 110045 [“subject property”].

2. The petitioner Nos. 1 and 3 have passed away during the pendency of this petition, in respect of which the remaining petitioners were granted time to bring on record the legal heirs of the deceased petitioners by order dated 28.08.2024. No such application has yet come on record.

3. In any event, learned counsel for the Municipal Corporation of Delhi [“MCD”] has handed over a status report dated 15.10.2024, which indicates that MCD is taking action in respect of the alleged unauthorised construction in various parts of the subject property, and



the owners/occupants have taken the legal remedies against such action either before this Court or before the Appellate Tribunal of MCD.

4. Learned counsel for MCD states that MCD will take such further action, subject to orders passed in the said proceedings.

5. In view of the above, it appears prima facie that no further orders are required in this writ petition. However, the status report has been handed over to learned counsel for the petitioner only today, he is therefore granted an opportunity to take instructions.

6. List on 23.10.2024.”

2. Mr. Rohit Yadav, learned counsel for the petitioner, submits that the petitioner be permitted to file an additional affidavit to bring on record certain contentions with regard to the mental fitness of respondent No. 3 to file affidavits before this Court.

3. The aforesaid issue appears to be tangential to the specific relief sought in the writ petition which is for directions against the Municipal Corporation of Delhi [“MCD”] to take action against the illegal construction allegedly being carried out by the private respondent.

4. As noted in the aforesaid order, the MCD has filed a status report in which it has detailed the action being taken in respect of various parts of the premises. It has also been stated that the owners/occupants of some parts of the premises have been protected by interim order passed by Appellate Tribunal for the MCD [“ATMCD”] or by this Court in writ petitions.

5. Learned counsel for the MCD states that to the extent possible, MCD will take action pursuant to the demolition orders already passed expeditiously. In cases, where the owners/occupants are protected by interim orders, the MCD will take such action as and when permissible in law.



6. In view of the above, I am of the view that no further relief is required in this writ petition.

7. In the event the petitioners have any further grievance with regard to unauthorised construction, they are 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].

8. The writ petition, alongwith pending applications, stands disposed of in terms of the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 23, 2024/MR/