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

+ W.P.(C) 12402/2021
BIR SINGH

.....Petitioner

Through: Mr. Nazimuddin Ahmed and Mr.
M.A. Jamal, Advocates.

versus

NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Kapil Dutta and Mr. Ajjay
Arora, Advocates for MCD.
Mr. Viplav Acharya, Senior Panel
Counsel for Delhi Police and Ms.
Laavanya Kaushik, G. P. for UOI.
Mr. Sandeep Bajaj, Mr. Mayank
Biyani and Ms. Parijat, Advocates
for R-6 to 9.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, for a direction against the Municipal Corporation of Delhi ["MCD"] to reseal the property *Plot No. 147 and 148, Freedom Fighters Colony, Neb Sarai, New Delhi* ["subject property"], and to demolish the unauthorised construction.

2. Mr. Kapil Dutta, learned counsel for the MCD, states that a demolition order has already been issued in respect of the subject property on 29.07.2019. Although one owner/occupant, Ms. Neha Jaiswal, who claims to be a successor-in-interest of respondent No. 4 herein has filed an appeal before the Appellate Tribunal of MCD



[“ATMCD”] [Appeal No. 822/2024], Mr. Dutta states that no stay has been granted by the appellate tribunal, and the proceedings are next listed before the ATMCD on 28.10.2024.

3. Learned counsel appearing for the other private respondents – respondent Nos. 6 to 9, states that his clients have not yet filed an appeal before the ATMCD, but propose to file an appeal within the next one week.

4. Having regard to the above, the writ petition is disposed of, with the directions that the MCD will take action in respect of the subject property on or after 10.11.2024, in the event there are no interim orders protecting the owners/occupants of the property.

5. In the event, the owners/occupants are granted any interim orders of protection by the ATMCD before the said date, MCD will naturally abide by the said order. If, however, there is no interim protection granted by 10.11.2024, the MCD is directed to take action in terms of the demolition order dated 29.07.2019, expeditiously thereafter and in any event, to commence action within the period of six weeks thereafter, subject to the availability of police force.

6. No further orders are required in this writ petition, which stands disposed of.

7. This order is recorded without prejudice to the rights and contentions of any owners/occupants of the subject property, whose rights and remedies, available in law, are expressly reserved in the proceedings before the ATMCD. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

8. In the event the petitioner has any further grievance with regard to



unauthorised construction, she 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

OCTOBER 14, 2024/MR/