



\$~19

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

+ W.P.(C) 8590/2024

SATISH SHARMA

.....Petitioner

Through: Ms. Mumtaz Ahmad, Advocate.

versus

MCD & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, SC with
Ms. Shweta Singh, Advocate for
MCD.

Mr. Nipun Katyal & Mr. Surya
Pratap Singh Rana, Advocates for
R-2.

Mr. Dharmendra Tyagi, Advocate
for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

09.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property [*Bhartiya Grameen Mahila Sangh, Working Women Hostel, Savitri Nagar, Sheikh Sarai Ph. 1, Near Andolan Park, New Delhi 110017*].

2. Mr. Sanjeev Sabharwal, learned Standing Counsel for Municipal Corporation of Delhi ["MCD"], states that the property has already been booked and a demolition order dated 20.09.2024 has been passed. He hands up in Court a status report dated 05.10.2024, which states that necessary demolition action will be carried out during the monthly demolition drive being carried out in the area upon availability of police force.



3. In view of the above, no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

4. 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 rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

5. 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

OCTOBER 9, 2024

'pv'/