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

+ **W.P.(C) 13019/2023 & CM APPL. 51415/2023**

SHAHJAHAN BEGUM

.....Petitioner

Through: Mr. S.M. Jamal, Advocate

versus

**MUNICIPAL CORPORATION
OF DELHI AND OTHERS**

.....Respondents

Through: Mr. Ashutosh Gupta, ASC with
Mr. Arman Monga, Advocate for
MCD

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.11.2024

1. Ms. Sweta Rani, learned counsel for the petitioner, who had originally filed the writ petition, seeks discharge. The petitioner is represented by Mr. S.M. Jamal, learned counsel, who states that he has been instructed on behalf of the petitioner. Ms. Sweta Rani is, therefore, discharged.
2. The writ petition concerns alleged unauthorised construction in property bearing *House No. 1224, Gali Maniyari Wali, Kalan Mahal, Daryaganj, Delhi* ["subject property"].
3. Municipal Corporation of Delhi ["MCD"] has filed a status report dated 08.02.2024, in which it is stated that unauthorised construction at the entire subject property, from the ground floor to the fifth floor, has been booked on 25.01.2024, and a demolition order has been passed on



02.02.2024. A copy of the demolition order has also been annexed to the status report.

4. Mr. Ashutosh Gupta, learned Additional Standing Counsel for MCD, has handed over to the Court, an updated status report dated 19.11.2024, which is taken on record. It is stated therein that demolition action could not be taken on several dates, either due to shortage of time or non-availability of police force. MCD noticed that the property has been illegally occupied, and a vacation notice under Section 349 of the Delhi Municipal Corporation Act, 1957, was therefore issued on 11.11.2024. Sealing proceedings have been initiated by issuance of show cause notice on 13.11.2024. Partial action was also taken on 14.11.2024. It is stated in the status report that further action could not be taken due to imposition of Graded Response Action Plan-IV guidelines, which prohibits construction and demolition activities in the National Capital Territory of Delhi in view of the present air pollution crisis. Mr. Gupta states that further action will be taken in accordance with law, expeditiously.

5. In view of the above submissions of MCD, Mr. Jamal does not seek any further orders in the writ petition, which stands disposed of, alongwith the pending application.

6. The aforesaid submissions have been recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose remedies are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures*



[WP (C) 295/2022 and connected matters].

7. 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

NOVEMBER 20, 2024/uk/AD/