



\$~41

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

+ **W.P.(C) 9496/2024**

SMT SHANKAR DEVI

.....Petitioner

Through: **Mr. Imran Khan, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Manu Chaturvedi, SC for MCD
with Ms. Devika Singh Roy
Chowdhury, Adv.
Mr. Tushar Sannu and Mr. Hardik
Saxena, Advs. for R-2 and 3.
Mr. Mohit Bhardwaj, Adv. for R-4 &
5
Mr. Uchit Bhandari, Adv. for R-6, 8
and 9.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

04.09.2024

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

“(i) The respondent No.1 may be directed to demolish the illegal construction raised in the property bearing Shop Nos. 213, 10, 11, 12, 13, 320, 321, 311, 29, 314, 315, 220, 217 and 319, DDA Market, Salmat Enclave, Pitam Pura, Delhi-110034

(ii) The respondents No.1 to 5 may be directed to hold departmental enquiry against concerned and earning 24 officials who allowed illegal construction inasmuch as did not take any action despite of receipt of complaint.

(iii) The respondent No.1 to 5 may be directed to take action in respect of complaint dated 22.12.2023.”

2. The respondent-Corporation in its status report dated 05.08.2024



states as under:

“4. That the Petitioner has filed the present writ petition in light of the unauthorized construction by Respondent Nos. 6-9 by way of blocking passages and raising walls in the commercial complex in which the Petitioner owns Shop No. 17, Ground Floor, Block-A, L.S.C. Market, Samrat Enclave, Pitampura, Delhi-110034.

5. Pursuant to the joint meeting between Respondent No. 1/MCD and Respondent No.3/DDA, wherein it was decided that the responsibility for taking the necessary legal action lies with Respondent No.1/MCD, a demolition/encroachment removal program was decided to be undertaken by Respondent No. 1 [MCD, Keshav Puram Zone] on 02 .08.2024 in the common area of the commercial complex to remove encroachment and unauthorized construction.

*6. Respondent No. 1 addressed letter dt. 29.07.2024 to the SHO, Subhash Place Police Station requesting adequate police force along with lady constables to be present for the demolition/encroachment program to be undertaken on 02.08.2024. A copy of letter dt. 29.07.2024 addressed to the SHO, Subhash Place Police Station is annexed herewith and marked as **Annexure-A**.*

7. Consequently, on 02.08.2024 the aforesaid demolition/encroachment removal program was undertaken in the common area of Block-A, L.S.C Market, Samrat Enclave, Pitampura, New Delhi- 110034. In the aforesaid demolition/encroachment removal program the following steps were taken:

a. Entry point of staircase blocked at ground floor has been made open by demolishing brick wall at two points.

b. Entry point of market blocked by erection of iron girder has been made open by demolishing the same.

c. One iron gate at entry point of central staircase at ground floor and two iron grill gates in the passage at S.F. has been removed by using gas cutter.

d. The tin shed which covered the open area at the back side of the premises has been demolished.

e. Staircase closed at two points at first floor has been made open by demolishing brick wall.



*The copies of photographs taken during the demolition/encroachment removal program and showcasing the clearance of obstruction are annexed herewith and marked as **Annexure-B (colly)**.*

8. Respondent No. 1 undertakes to submit further affidavits as and when directed by this Hon 'ble Court. In light of the aforementioned demolition/encroachment removal program undertaken by Respondent No. 1, it is humbly submitted that the present petition may be disposed of."

3. Learned counsel appearing for the petitioner submits that the respondent-Corporation has not taken the action in entirety and only a part demolition/action has been taken.

4. The Court finds that the respondent-Corporation has already started taking action pursuant to the grievance made in the instant writ petition.

5. The respondent-Corporation is directed to take the further steps in accordance with law, as has been stated in its status report dated 05.08.2024.

6. If the petitioner has any grievance with respect to incomplete action or otherwise, she is at liberty to approach the Special Task Force which has been constituted pursuant to the directions passed by the Supreme Court in W.P. (C) 4677/1985 titled as ***M.C. Mehta v. Union of India***.

7. If the petitioner does so, her grievance shall be dealt with in accordance with law.

8. The Court leaves the rights of the private respondents open to be adjudicated by the competent authority.

9. The petition stands disposed of accordingly.

10. Respondent Nos.6, 8 and 9 shall be at liberty to file an appropriate application for redressal of their grievance before the competent authority.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 4, 2024/p