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

+ W.P.(C) 11610/2019
SANJAY

.....Petitioner

Through: Ms. Aditi Shivadhatri and Ms.
Subedita Rani, Advocates.

versus

NORTH DELHI MUNICIPAL
CORPORATION AND ANR.

.....Respondents

Through: Mr. Viplav Acharya, Advocate for
R-1.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.12.2024**

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction at property bearing No. Y-895, Camp-I, Nangloi, Delhi [“subject property”].

2. A status report has been filed by Municipal Corporation of Delhi [“MCD”] on 15.10.2024, in which it is stated as follows:

“4. That it is pertinent to mention here, that the property in question i.e. Y-895, camp 1, Nangloi Delhi was inspected by area JE(B) and during the said inspection the same has been booked as unauthorized constructions in the shape of deviation/ excess coverage beyond SBP at Ground floor First floor and unauthorized construction of basement, second floor and third floor with projection on mpl land vide u/c file No. 267/UC/C-49/B-II/RZ/18 dated 12.12.2018. That in continuation of the same show cause notice was issued u/s 344(1) and 343 of the DMC Act 1957 vide printed No. 53282 dated 12.12.2018. That in response of the show cause notice no reply was received and accordingly, matter was further processed and demolition order was



passed on 10.01.2019. That in continuation of the same, demolition action program over the subject property was fixed for 05.02.2019 but on this I date, demolition action could not be taken due to shortage of time as the time consumed on another demolition action taken on other property. That another demolition action program was fixed for 03. ~0.2024 and on this date demolition action has been taken with the help of police force from PS Nangloi, Delhi. That during the course of demolition action one slab panel has been demolished on the roof of First floor and made the roof inhabitable for use. Copy of the photographs of the demolition action dated 03.10.2024 are hereby annexed as ANNEXURE-A.

5. That further action in the present matter will be taken in due course of time as per provisions of DMC Act 1957.”

3. It is evident from the above that, the Municipal Corporation of Delhi [“MCD”] is seized of the issue of unauthorised construction on the property. Action was taken on the property on 03.10.2024, and MCD has reported that the roof of the first floor has been demolished, making it uninhabitable. Learned counsel for MCD states that further action will be taken expeditiously in accordance with law, after the Graded Response Action Plan- IV restrictions are lifted and an effort will be made to conclude the process within a period of three months thereafter, subject to availability of police force.

4. In view of the above, no further orders are required in this writ petition, which stands disposed of.

5. The rights and contentions of respondent or any owners/occupants of the subject property 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].

6. 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].

7. The petition is disposed of in terms of the above.

PRATEEK JALAN, J

DECEMBER 5, 2024

MR/AL/