



\$~54

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

+ W.P.(C) 10377/2024 & CM APPL. 42589/2024

JAVED HUSAIN

.....Petitioner

Through: Mr. Noor Alam, Advocate for Mr.
Nishad L.S., Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Badar Mahmood, SC with Mr.
Ammar Ahmad, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

24.10.2024

1. The petitioner has approached this Court, under Article 226 of the Constitution, for directions against Municipal Corporation of Delhi ["MCD"], in respect of alleged unauthorised construction at property bearing No. R-295, Gali no.1, Jogabai Extn., part of Khasra no.234, Jamia Nagar, Okhla, New Delhi-110025 ["subject property"].

2. A status report dated 06.08.2024 filed by the MCD states that a work stop notice was issued on 05.07.2024 in respect of the subject property, and a demolition order has been passed on 12.07.2024. The property has been sealed on 05.08.2024. According to the status report, demolition action was scheduled for 06.08.2024.

3. Mr. Badar Mahmood, learned Standing Counsel for the MCD, states, upon instructions from Mr. A.K. Bansal, Assistant Engineer of



MCD, that some action was taken on 06.08.2024, but further action is contemplated, as the seal has been found to be tampered with. He states that further action will be taken by MCD within a period of 12 weeks from today, subject to availability of police force, and MCD will also maintain necessary vigil to ensure that the seal is not tampered with and construction does not recommence.

4. MCD is bound down to the aforesaid statement.

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

6. 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.

7. 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 24, 2024/MR/