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

+ **W.P.(C) 10546/2024**

**JAWAHAR SINGH**

.....Petitioner

Through: Ms. Mumtaz Ahmad Mr. Lalit  
Mishra, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI (STF) & ORS.**

.....Respondents

Through: Mr. Abhinav Sharma and Mr.  
Mahender Shukla, Advs. for MCD.  
Ms. Puhumi Aditya, Adv. for Mr.  
Jawahar Raja, ASC (Civil) for R-2 to  
4.  
Mr. Anuj Kumar Garg, Adv. for R-5.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**18.09.2024**

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

*“A. to issue the directions to the respondent No. 1 (Municipal Corporation Of Delhi) to take immediate action to stop the illegal and unauthorized illegal construction over the property in question i.e., Plot No.- 1074, Gali No.- 39, Shamshan Ghat Road, Molar band Extn, Badarpur , New Delhi-110044 by the violator and encroacher i.e., respondent No. 05 without any permission/sanction by the Respondent No. 1 to 4 as well as in violation of 11 other provisions of Municipal Corporation Of Delhi and;*

*B. Further direct the respondent No. 1 to demolish the illegal and unauthorized Illegal Construction, which is raising by the respondent No. 05 without sanction plan/ permission with connivance of the officials of the*



*respondent No. 1, in utter violation of the building bye-laws,*

*C. Further call a show cause notice from the respondent No.-1 that why legal respondent No.5 so that illegal construction may not be raised in any manner any further; E. Further take strict Legal action in view of IPC & DMC Act action has not been taken against respondent no. 5 after received the application dated 05/03/2024;*

*D. Further direct the respondent No. 4 to put vigilance over the act of the Respondent No.5 so that illegal construction may not be raised in any manner any further,*

*E. Further take strict Legal action in view of IPC & DMC Act against the violator and encroacher i.e., Respondent No.5, in accordance with law By Respondent no-04”*

2. The respondent has placed on record a status report. The status report would indicate that the petitioner has furnished the incorrect address of the property. However, on due inspection of the area in question, and with the assistance of the photographs, the respondent-corporation has traced the unauthorised construction.

3. According to the respondent-corporation, the correct address of the property as indicated in the photographs is located at 675-C ( (part of property number 675), Khasra No. 66/2, Gali No. 39, Block E-1, Moarband Extension, Badarpur. The report further states that the respondent-Corporation, on examination and inspection, found that the construction has been found to be unauthorised and the demolition proceedings have been initiated.

4. According to the status report of the respondent-Corporation, further action is in contemplation. Paragraph nos. 3 and 4 of the status report read as under:-

*“3. That it is most respectfully submitted that subject property falls in unauthorized colony where proprieties are self-addressed. Therefore*



*incorrect addresses of writ properties are a common sight. The subordinate official of deponent carried out inspection of the area and detected property having address 1074. However, the same is located at Gali No. D-43 and the existing structure of the same do not match with the photograph of subject property annexed, with petition. Efforts were made to identify the subject property with photographs. During inspection on 05/08/2024, subordinate official of deponent identified the subject property and address of the same was stated to be 675-C (part of property number 675). Khasra No. 66/2, Gali No. 39, Block E-1. Moarband Extension, Badarpur. There are as many as 05 different structures on the plot. Three structures comprised of ground floor having tin shed roofing were found old. Photographs showing the said status of these structures are annexed herewith as **Annexure-A**. The remaining two existed structures found match with photographs annexed with petition. Photographs showing the current status of subject properties are annexed herewith as **Annexure-B**.*

*One of the structures consists of ground floor, first floor, second floor and third floor. The demolition proceedings u/s 343/344 of the DMC Act against said structure has been initiated vide File No. 177/B/UC/EE(B)-II/CNZ/2024 dated 05/08/2024. The show cause notice bearing printed number 16576 dated 05/08/2024 has been issued.*

*The other remaining structure consists of ground floor, first floor and second floor. The demolition proceedings u/s 343/344 of the DMC Act against said structure has been initiated vide File No. 178/B/UC/EE(B)-II/CNZ/2024 dated 05/08/2024 notice bearing printed number 16577 dated 05/08/2024 has been issued. Further action is under contemplation as per provisions of DMC Act. The sealing proceedings u/s 345-A of the DMC Act, 1957 have also been initiated against both the above said structures.*

*4. That further action is under contemplation as per provisions of DMC Act. The action will be planned as soon as demolition and sealing proceedings are concluded and orders passed”*

5. Let the respondent-Corporation to take further necessary steps in accordance with law and to take the controversy to its logical end within a period of six months from today.

6. If the petitioner, thereafter, has any further grievance, the petitioner shall be at liberty to approach the Special Task Force [STF] which has been constituted as per the directions of the Supreme Court vide order dated



24.04.2018 in W.P. (C) 4677/1985 in a case titled as ***M.C. Mehta v. Union of India.***

7. Learned counsel appearing for the private respondent, however, submits that against the action being taken by the respondent-Corporation, the private respondent has already approached the AT-MCD.

8. Needless to state that the rights of the private respondent are not adjudicated in the instant petition.

9. The parties shall be at liberty to take necessary recourse before the competent forum.

10. The petition stand disposed of.

**PURUSHAINDR KUMAR KAURAV, J**

**SEPTEMBER 18, 2024/p**