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

+ W.P.(C) 11469/2024
MOHD UBAIS

.....Petitioner

Through: Mr. Arjun Syal and Mr. Shreyan
Das, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Ajjay Aroraa, SC with Mr.
Kapil Dutta, Advocate for MCD.
Ms. A. Maitri and Ms. Radhika
Chandrasekhar, Advocates for R-5
to 8.
Mr. Vikarant N Goyal, Advocate
for UOI.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
21.10.2024

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1. The petitioner has approached this Court, under Article 226 of the Constitution, with respect to alleged illegal construction in land bearing No. 260-A, Tyagi Mohalla, Chattarpur, Village, Chattarpur, New Delhi-110074 [“subject property”].

2. Mr. Kapil Dutta, learned counsel for Municipal Corporation of Delhi [“MCD”], states that a status report has been filed, which is not on record. The status report is taken on record. Mr. Dutta submits that the owners/occupants of the property [Respondent Nos. 5 to 8 herein] have approached the Appellate Tribunal for Municipal Corporation of Delhi

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[“ATMCD”] against an order of demolition, which has granted interim protection in their favour. He states that MCD will take action expeditiously, in respect of the unauthorised construction, subject to the outcome of the pending appeal before the ATMCD.

3. As the MCD is thus seized of the issue of illegal construction in the subject property, no further orders are required in the writ petition, which stands disposed of.

4. 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.

5. 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].

OCTOBER 21, 2024
SS/

PRATEEK JALAN, J