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

+ W.P.(C) 11612/2024 & CM APPL. 48219/2024
DILANWAZ

.....Petitioner

Through: Mr. Satish Pandey, Mr. Ajay
Tiwari, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
THROUGH DY. COMMISSIONER
OF CENTRAL ZONE & ORS.

.....Respondents

Through: Mr. Aditya Vaibhav Singh, Mr.
Ashutosh Tiwari, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.10.2024

1. The petitioner has approached this Court, under Article under Article 226 of the Constitution, complaining of alleged illegal construction at *Khasra No. 328/2, Pul Prahlad Pur, New Delhi* [“subject property”].

2. MCD has filed a status report dated 04.10.2024, in which it is stated that the property has been inspected, and unauthorised construction having been found, a work stop notice was issued dated 12.08.2024, and a demolition order has also been passed on 20.08.2024. Copies of the said orders have been annexed to the status report.

3. Mr. Satish Pandey, learned counsel for the petitioner, however, submits that illegal construction is ongoing in the subject property. MCD is directed to carry out an inspection within the next one week, and to take action in accordance with law, and after complying with all statutory



requirements.

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

5. 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.

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].

PRATEEK JALAN, J

OCTOBER 24, 2024/‘Bhupi’/