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

+ W.P.(C) 11813/2024 & CM APPL. 49140/2024

MANISH SHARMA

.....Petitioner

Through: Mr. Haider Ali, Proxy Counsel for
Mr. Satish Pandey, Advocate.

Versus

MUNCIPAL CORPORATION OF
DELHI AND OTHERS

.....Respondents

Through: Mr. Ajjay Aroraa & Mr. Kapil
Dutta, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, in respect of alleged illegal construction in thirteen properties.

2. Municipal Corporation of Delhi ["MCD"] has filed a status report dated 22.10.2024, a copy of which has been handed over in Court. Details of the action taken with respect to six of the properties are mentioned in the status report. Mr. Kapil Dutta, learned counsel for MCD, has also handed over a chart detailing action taken in respect of each of the properties, which is also taken on record. It is stated that demolition orders and sealing orders have been passed in respect of six other properties also, and further action is contemplated within the next four months. One of the properties, being *Property No. GC-64, Pulpehlad Pur, New Delhi*, was booked on 04.07.2024, however, no demolition or



sealing orders have yet been passed with respect to the said property.

3. Mr. Dutta states that further action will be taken in accordance with law. Demolition/sealing action will also be taken within the above time frame, subject to the availability of police force. In any event, the demolition orders and sealing actions will be taken to their logical conclusion within the period of four months from today, in respect of all thirteen properties.

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

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 properties, 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].

OCTOBER 23, 2024/‘pv’/

PRATEEK JALAN, J