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

+ **W.P.(C) 12111/2024 & CM APPL. 50373/2024**

I ALMASH KHAN

.....Petitioner

Through: Mr. Varun Mehlawat, Advocate.

versus

**MUNICIPAL CORPORATION
OF DELHI & ANR.**

.....Respondents

Through: Mr. Ajjay Aroraa & Mr. Kapil
Dutta, Advocates for MCD.
Mr. Alamgir & Mr. Samar Alvi,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property No. *B-32, Nizamuddin West, New Delhi*.
2. Mr. Kapil Dutta, learned counsel for Municipal Corporation of Delhi ["MCD"], hands up a status report in Court, which states that part of the unauthorised construction has been removed by respondent No. 2, and that further demolition action has been planned for 10.10.2024, subject to availability of police force. A copy of the status report is taken on record.
3. Learned counsel for respondent No. 2, who is the owner of the property, confirms that some columns have been removed, and states that no further construction will be carried out without due permission.

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

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, they are 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 9, 2024

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