



\$~78

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

+ W.P.(C) 13351/2024 & CM APPL. 55743/2024

DEEPAK

.....Petitioner

Through: Mr. Rahul Sharma, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Ajjay Aroraa & Mr. Kapil
Dutta, Advocates for MCD.
Mr. Bharat Malhotra, Advocate for
R-3.
SI Vivek, PS NFC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
23.10.2024

%

1. The petitioner has approached this Court, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property No. 7, *Khizrabad, Near New Friends Colony, New Delhi-110025* [“subject property”].

2. Mr. Kapil Dutta, learned counsel for Municipal Corporation of Delhi [“MCD”], has handed over a copy of the status report dated 23.10.2024, and the same is taken on record. It states that a demolition order, in respect of the subject property, has already been passed on 06.09.2024 and a work stop notice has been issued on 20.08.2024. Demolition action is scheduled for 04.11.2024. Mr. Dutta states that demolition action will be taken on the said date or as soon as possible thereafter, subject to the availability of police force.



3. In view of the above, no further orders are required in this 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].

PRATEEK JALAN, J

OCTOBER 23, 2024

‘pv’/