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

+ W.P.(C) 13478/2024
UPASANA

.....Petitioner

Through: Mr. Kshitiz Mahipal, Ms. Khairun
Nisa, Advocates [9999994372].

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS

.....Respondents

Through: Mr. Aditya Vaibhav Singh, Mr.
Ashutosh Tiwari, Mr. Gautam
Singh, Advocates for MCD.
Mr. Raj Kumar Yadav, Mr. Sanjay
Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.09.2024

CM APPL. 56406/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13478/2024 & CM APPL. 56407/2024 (for stay)

1. The petitioner has filed this petition under Article 226 of the Constitution, alleging unauthorised construction at the stilt parking area of two-wheeler, at House No. 117-B, Block-R, Mohan Garden, Delhi – 110059.

2. Mr. Aditya Vaibhav Singh, learned counsel, who appears on behalf of Municipal Corporation of Delhi [“MCD”], on advance notice, submits upon instructions that an inspection has been carried out on 23.09.2024 and a show cause notice has been issued to the owner/occupier of the



property and he has been given three days' time to respond to the same.

3. Mr. Singh states that MCD will take necessary action, in accordance with law, as expeditiously as possible after considering the reply furnished by the owner/occupier of the alleged illegal construction.

4. In view of the aforesaid statement, no further adjudication orders are necessary in this writ petition, which stands disposed of. Pending application also stands disposed of.

5. It is made clear that this order is passed without prejudice to the rights and contentions of the owners/occupiers of the property whose remedies against any action taken by the MCD, are reserved.

6. If the MCD does not take action as sought by the petitioner, and the petitioner is aggrieved thereby, she will be at liberty to approach the Special Task Force constituted by the Supreme Court by 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], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and in a decision of the learned Single Bench in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019].

PRATEEK JALAN, J

SEPTEMBER 25, 2024

"Bhupi"/