



\$~60

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

+ W.P.(C) 13567/2024, CM APPL. 56708/2024 & CM APPL. 56709/2024

NAVED AHMED

.....Petitioner

Through: Mr. Javed Ashraf Khan and Ms. Ashima Khan, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Mr. Varun Chandio, Mr. Alok Kumar and Mr. Anubhi Goyal, Advocates for MCD.
Mr. Ravi Kant Srivastava, Sr. Panel Counsel for R-2 with SI Priyank Rana, P.S. Daryaganj.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

26.09.2024

1. By way of this petition under Article 226 of the Constitution, the petitioner seeks action against alleged unauthorised construction at property bearing No. 2870-21, Rang Mahal, Kucha Chelan, Darya Ganj, New Delhi-110002 [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi, who appears on advance notice, states that the property has already been inspected and unauthorised construction having been found, a sealing order was passed on 04.09.2024. A demolition order has also been passed on 19.09.2024. He states that further action will be taken as expeditiously as possible and preferably within 8 weeks from today, subject to availability of police force.



3. In view of the above, no further orders are required to be passed in the writ petition.

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 statutory remedies are 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 remains dissatisfied, 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].

6. The petition, alongwith all pending applications, is disposed of.

PRATEEK JALAN, J

SEPTEMBER 26, 2024/MR/