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

+ W.P.(C) 13569/2024, CM APPL. 56713/2024 & CM APPL. 56714/2024

DR. SHANTI TALWARPetitioner

Through: Mr. Rahul Gupta, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS.

.....Respondents

Through: Mr. Chetanya Singh, Mr. Samarth Tyagi and Mr. Chetan Shama, Advocates for MCD.

Mr. Shashi Pratap Singh and Ms. Muskaan Garg, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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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. A-339, *Sarita Vihar, New Delhi – 110076* [“subject property”]

2. Mr. Chetanya Singh, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that upon the subject property being inspected, an unauthorised construction has been found on 2nd and 3rd Floors of the subject property, a stop work notice has been issued on 09.09.2024 and the show cause



notice has been issued to the owner/occupier on 24.09.2024.

3. Mr. Singh submits that upon consideration of the reply received from the owner/occupier further action, in accordance with law, will be taken as expeditiously as possible and practically, subject to availability of police force.

4. Mr. Rahul Gupta, learned counsel for the petitioner, submits that construction activity was, in fact, ongoing at the property even yesterday.

5. Mr. Singh states that MCD will inspect the property again in the course of the day and if stop work notice is not obeyed, then further action will be taken with the assistance of police authorities.

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

7. 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.

8. In the event the petitioner has any further grievance with regard to unauthorised construction, she 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].

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

PRATEEK JALAN, J

SEPTEMBER 26, 2024/MR/