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

+ W.P.(C) 13621/2024, CM APPL. 57009/2024 & CM APPL. 57010/2024

SHIV KUMAR GROVER & ANR.Petitioners
Through: Mr. Vishal Kalra, Advocate
alongwith P-1 & 2 in person.
versus

MUNICIPAL CORPORATION
OF DELHI & ORS.Respondents
Through: Mr. Amit Singh Chauhan, ASC
with Mr. Udit Chauhan and Mr.
Ankur Khurana, Advocates for
MCD.
Mr. P.S. Singh, CGSC for R-3 & 4.
Mr. Gaurav Gupta, Advocate for
R-5 & 6 alongwith R-5 & 6 in
Person.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **27.09.2024**

1. By way of this petition under Article 226 of the Constitution, the petitioner seeks action against alleged illegal construction at property bearing *House No. 8, Hemkunt Colony, Greater Kailash Part-1, New Delhi-110048* [hereinafter referred to as "subject property"].
2. According to the petitioner, the construction has been carried out by respondent No. 6, at the instance of respondent No. 5, on the terrace of the subject property.



3. Mr. Amit Singh Chauhan, learned Additional Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property was inspected after receipt of the complaint of the petitioners and that some construction activity has been found to be ongoing. He states that the MCD will inspect the subject property again within the next two days, and if any impermissible construction activity is ongoing, necessary stop work notices will be issued and other action permissible in law will be taken as expeditiously as possible, preferably within two weeks from today.
4. Having regard to the aforesaid submissions, no further orders are required to be passed in this writ petition and the writ petition stands disposed of.
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 statutory remedies are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.
6. In the event, the petitioners continue to have grievances with regard to the unauthorised construction, they may 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

SEPTEMBER 27, 2024/MR/