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

+ W.P.(C) 13623/2024 & CM APPL. 57013/2024

M/S SHILPA ASSOCIATES PVT LTD THROUGH SHRI

PRAFULLA KUMAR BARIK, DIRECTORPetitioner

Through: Mr. Rono Mohanty and Mr. Jalaj
S., Advocates.

versus

MUNICIPAL CORPORATION

OF DELHI AND ORS

.....Respondents

Through: Mr. Badar Mahmood, Standing
Counsel with Mr. Ammar Ahmad,
Advocate for MCD.
Mr. Harsh Kumar, Sr. Panel
Counsel for UOI.

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 unauthorised construction on landing of common staircase area *between DDA Commercial Flat No. B-1 and Flat No. B-2 of Block – J, LSC, Saket, New Delhi – 110017* [hereinafter referred to as “subject property”].

2. Mr. Badar Mahmood, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the property was inspected on 24.09.2024. Unauthorised construction having been found, a show cause notice was also issued on 24.09.2024. He states that MCD proposes to take action as necessary, after considering the reply received from the owners/occupants of the subject property. Mr. Mahmood states that such action as may be necessary will



be taken as expeditiously as possible, preferably within eight weeks from today, subject to availability of the police force.

3. In view of the above, no further orders are required to be passed 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 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 has any further grievance with regard to unauthorised construction, it 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

SEPTEMBER 27, 2024/MR/