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

+ W.P.(C) 13733/2024 & CM APPL. 57493-57494/2024

SURENDER SINGH & ANR.

.....Petitioners

Through: Mr. Akshya, Advocate along with
petitioners in person.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: MCD appearance not given.
Ms. Chand Chopra with Mr.
Piyush Jain, Advocate for DDA.
Mr. Kanav Vir Singh, SPC for R-3
with SI Chandan Rajput.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

30.09.2024

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1. The petitioners have filed this petition, under Article 226 of the Constitution, complaining of alleged unauthorised construction on the terrace of *property No. B-2, Rose Wood Apartments, DDA Flats, Vasant Kunj, New Delhi -110070*.

2. Learned counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that a show cause notice was issued to the owners/occupiers of the subject property on 23.08.2024, pursuant to which a demolition order has already been passed on 04.09.2024. He submits that MCD will take necessary action pursuant to the demolition order as expeditiously as possible, preferably within a

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period of four weeks from today, subject to availability of the police force.

3. Learned counsel for the petitioner submits that construction continues at the subject property. Learned counsel for MCD states that MCD will carry out a further inspection within the next three days, and if unauthorised construction is found to be on-going, they will issue a stop work notice and take such further steps as permissible in law.

4. In the event the petitioner has any further grievance with regard to unauthorised construction, they are 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].

5. In view of the above, no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

6. 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 rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

PRATEEK JALAN, J

SEPTEMBER 30, 2024
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