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

+ W.P.(C) 13860/2024 & CM APPL. 58021/2024

PUSHPA PANDEY

.....Petitioner

Through: Mr. Amit Kumar & Mr. Robin
Bhardwaj, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Puneet Yadav, ASC for MCD.
Mr. Abhishek Saket, SPCG with
Mr. Manish Madhukar, Advocate
for R-2.
Ms. Shahana Farah, Ms. Varsha
Dhami & Ms. Aparna Tripathi,
Advocates for DDA/R-3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
03.10.2024

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1. The petitioners, by way of this petition under Article 226 of the Constitution, seek a direction upon the respondents to demolish unauthorised construction at property bearing no. *H-159, Okhla Village, Behind Mandir, falling in Khasra No. 127, Okhla Head, Okhla Village, New Delhi-110025* [“the subject property”].

2. Mr. Puneet Yadav, learned Additional Standing Counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance



instructions, states that MCD has inspected the property, and unauthorised construction having been found, issued a show cause notice to the owners/occupiers on 25.09.2024. As construction was found to be ongoing, a work stop notice was issued on 27.09.2024.

3. Mr. Yadav states that further action will be taken, in accordance with law, as expeditiously as possible, in any event within eight weeks from today, subject to availability of police force.

4. In view of the above, no further orders are required in this writ petition, which stands disposed of. The pending application also 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 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].

PRATEEK JALAN, J

OCTOBER 3, 2024
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