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

+ W.P.(C) 14138/2024 & CM APPL. 59213/2024

SANJAY KAUSHIK

.....Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar, Ms. Indira Murthy, Mr. Ram Ballabh Sharma, Mr. Ajay Singh, Mr. Abhishek Kaushik and Mr. Shikhar Sardana, Advocates.

versus

MCD THROUGH COMMISSIONER AND ORSRespondents

Through: Mr. Anuj Chaturvedi and Ms. Richa Chawan, Standing Counsel for MCD.

Mr. Tushar Sannu, Advocate for DDA/STF.

Mr. Rishab Raj Jain, SC with Mr. Sharique Hussain, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction in three properties:

- (i) Plot No. D-149, Kh. No. 593, 605, 606, C-1, 2nd Floor, Krishna Park Khanpur, Near Devli Road, Delhi-110080;
- (ii) 604, Devli Village, Near Chaupal Nai, Mohalla Devli, Delhi; and
- (iii) 687, 688 Devli Extension, Delhi-110080.



2. Mr. Anuj Chaturvedi, learned Standing Counsel for Municipal Corporation of Delhi [“MCD”], appears on advance notice, and states that upon a preliminary inspection, the construction in property No. (i) is found to be unauthorised, and property Nos. (ii) and (iii) are being used for commercial purposes [as a parking plot and for running shops respectively], contrary to their permitted use. MCD proposes to issue show cause notices in respect of all three properties, within the next one week, and to take action, in accordance with law, after considering the responses received from the owners/occupants of the properties.

3. Mr. Chaturvedi states that action will be taken expeditiously, and in any event, commence within 12 weeks after receipt of the responses to the show cause notices, subject to availability of the police force.

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

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 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.

6. 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

OCTOBER 7, 2024/MR/