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

+ W.P.(C) 14143/2024 & CM APPL. 59244/2024

POONAM SABHARWAL

.....Petitioner

Through: Mr. Gautam Narayan, Ms. Asmita Singh, Mr. Rahul Agarwal and Mr. Ronit Bose, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Arjun Mahajan, SC with Ms. Neha Rai, Mr. Apoorv U. and Ms. Jahnvi Singh, Advocates for MCD.
Ms. Sangita Malhotra and Ms. Pallavi Talwar, Advocates for R-4/UOI.

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, seeking action against alleged demolition/construction at property No. L-69, Kalkaji, New Delhi-110019 [“subject property”].
2. Mr. Arjun Mahajan, learned Standing Counsel for Municipal Corporation of Delhi [“MCD”], appears on advance instructions, and states that upon a preliminary inspection, it is found that the building constructed on the subject property is being demolished. The demolition of the subject property is being carried on without obtaining statutory



permission for the same. Mr. Mahajan states that no sanction plan has been applied for the construction either. MCD proposes to issue a show cause notice to owners/occupants of the property, within the next three days, and to take further action, in accordance with law, after considering the reply to the show cause notice. Mr. Mahajan also states that MCD will issue a work stop notice within the next two days, having found construction to be ongoing.

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

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 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.

5. 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 7, 2024/MR/