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

+ W.P.(C) 14347/2024
JAMUNA

.....Petitioner

Through: Ms. Aayushi Jain and Mr. Birender
Sangum, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS

.....Respondents

Through: Mr. Umang Tyagi, ASC with Ms.
Aditi Kapoor, Advocate for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

09.10.2024

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1. The petitioner who is the resident of *Jhuggi No. F-37, F-Block, Shahbad Dairy, Sahibabad Daulat Pur, North West Delhi-110042*, has filed this petition under Article 226 of the Constitution, complaining of unauthorised construction by respondent No. 5 at ground floor of *Jhuggi No. 285, Floor SCG No. 20/223, Block F-1, JJ Colony, Shahbad Dairy, Sahibabad Daulat Pur, North West Delhi-110042* ["subject property"]. It is her contention that the ongoing construction is unauthorised and abuts her property, blocking egress and ingress to her property.

2. The averments in the writ petition relate not just to the aforesaid construction, but to allegations of illegal construction all over Narela Zone. Allegations have been made against specific officers of the Municipal Corporation of Delhi ["MCD"] in this regard. Eighteen different properties, all over Narela Zone, have been mentioned in



paragraph 19 of the writ petition. Ms. Aayushi Jain, learned counsel for the petitioner, states that the properties are located within a radius of 3 to 5 kilometres away from the petitioner's house.

3. The petitioner has not yet approached 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.*]. She is at liberty to do so. 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].

4. As far as the subject property outside the petitioner's house is concerned, which is the only property mentioned in the prayer clause, Mr. Umang Tyagi, learned Additional Standing Counsel for the MCD, states that an inspection will be carried out by tomorrow, and if any unauthorised construction is found to be ongoing or has been raised, a show cause notice will be issued to the owners/occupants of these properties and further action will be taken, in accordance with law, after receipt of the reply to the show cause notice.

5. The petitioner has made a complaint to the Chief Vigilance Officer



of MCD [Annexure P-5 to the writ petition against respondent No.4], the Chief Vigilance Officer is directed to look into the complaint in accordance with law.

6. The writ petition is disposed of in terms of the submissions of Mr. Tyagi, as recorded above and with liberty to the petitioner to approach the STF, in the event any remaining grievance with regard to the illegal construction in the area. This Court has not enquired into the allegations made in the writ petition or the allegations against the officers.

7. It is made clear that the directions in this order are without prejudice to the rights and contentions of the owners/occupants of the properties mentioned in the writ petition and also of the respondent No. 4. The MCD is directed to take action strictly, in accordance with law, and after complying with all statutory requirements.

PRATEEK JALAN, J

OCTOBER 9, 2024/MR/