



\$~91

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

+ W.P.(C) 14370/2024

MADHU AGRAWAL

.....Petitioner

Through: Mr. Arvind Singh, Advocate.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Rishikesh Kumar, ASC for
GNCTD with Ms. Sheenu Priya,
Mr. Atik Gill, Mr. Sudhir Kumar
Shukla & Mr. Sudhir, Advocates.
[M:-9911483629].
Mr. Sagar Suri, Advocate for R-2
& 3/MCD [M:-7042132941]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

14.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged unauthorised construction at *Flat No. 35, Lehna Singh Market, Near Malkaganj Chowk, Malkaganj, North Delhi*.

2. Mr. Sagar Suri, learned counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that the subject property has been inspected today and a show cause notice has been issued to the owners/occupants of the property in respect of unauthorised construction in the shape of second floor. He submits that further action as available in law will be taken by MCD expeditiously upon receipt of the reply to the show cause notice, if any.



3. In view of the aforesaid submission on behalf of MCD, no further orders are required in this writ petition, which stands disposed of.

4. These 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 14, 2024

‘pv’/