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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14371/2024
MOHAMMAD FAROOQ SHAHPetitioner
Through: Mr. Khan Zulfiquar Khan & Mr.
Deepak Kumar Mishra, Advocates.
versus
MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Ajjay Aroraa & Mr. Kapil
Dutta, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution for a direction upon the Municipal Corporation of Delhi ["MCD"] to take action against illegal encroachment and unauthorised construction at the ground floor of *E-171, Kalkaji, New Delhi-110019* ["subject property"].
2. Mr. Khan Zulfiquar Khan, learned counsel for the petitioner, points out that a demolition order has already been passed by MCD on 03.11.2023, noticing unauthorised construction in the shape of alteration/deviation on the ground floor of the premises and the basement, first floor and second floor being old and occupied. However, it is stated that demolition action has not in fact taken place.
3. Mr. Kapil Dutta, learned counsel for MCD, who appears on advance notice, states that demolition action is scheduled for 21.10.2024 and will be taken on that day or as expeditiously thereafter as possible, depending upon the availability of the police force. He assures the Court that relevant action will be taken at the latest within a period of eight



weeks from today.

4. In view of the said submission, no further orders are required in this writ petition, which 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 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, he 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’/