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

+ **W.P.(C) 14660/2024 & CM APPL. 61513-14/2024**

SUBHASH RANA

.....Petitioner

Through: Mr. Maroof Ahmad, Advocate.
[M:-9899186420]

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**

.....Respondents

Through: Mr. Abhinav Sharma & Mr.
Mahender Shukla, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
21.10.2024

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1. The petitioner has approached this Court, under Article 226 of the Constitution, complaining of an alleged illegal construction at property bearing *Plot No. 211(New)(Old No. 121), Khasra No. 441, Main 66 Foota Road, Chandan Park, Siraspur, Delhi-110042* [“subject property”].

2. It is the contention of the petitioner that he is the owner of the subject property, which is a commercial property and construction has illegally been carried out by his estranged wife [respondent No. 3] and his son [respondent No. 4]. It is stated in the writ petition that the petitioner has filed a civil suit against respondent Nos. 3 and 4 against his dispossession [CS 709/2024], which remains pending before the District



Court, Rohini.

3. Mr. Abhinav Sharma, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that the property has been inspected today, and illegal construction has been found to be ongoing. MCD has, therefore, issued a work stop notice and a show cause notice. He states that MCD will take necessary action, in accordance with law, after receiving the reply to the show cause notice, if any, and that such action will be commenced preferably within eight weeks from today, subject to the availability of the police force.

4. In view of the above submissions of MCD, Mr. Maroof Ahmad, learned counsel for the petitioner, states that no further orders are required in this writ petition, which stands disposed of.

5. It is made clear that these submissions have been recorded without prejudice to the rights of respondent Nos. 3 and 4 in the civil proceedings between the parties or to contest the proposed action by MCD in accordance with law. Their rights and remedies, if any, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities.

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 21, 2024

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