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

+ W.P.(C) 14671/2024

SANJEEV KUMAR GUPTA AND ORS

.....Petitioners

Through: Mr. Ankit Gupta, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
ITS COMMISSIONER AND ORS

.....Respondents

Through: Mr. Siddhant Nath & Mr. Abhay P.
Singh, Advocates for R-1/MCD.

Mr. Naginder Benipal, SPC for
UOI with Mr. Ankit Siwach,
Advocate for UOI.

Mr. Imran Ahmed & Mr. Firoz
Iqbal Khan, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
21.10.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution complaining of unauthorised construction at property bearing No. 4648/21 *Katra Sedhu Mal, Ansari Road, Darya Ganj, New Delhi-110002*. [“subject property”]

2. Mr. Siddhant Nath, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the subject property has been inspected and unauthorised construction having been found, a show cause notice has been issued to the owners/occupants of the subject property on 07.10.2024. He states that further action, as available to the MCD in law, will be taken upon considering the reply to



the show cause notice, if any.

3. Mr. Nath states that further action in accordance with law will be commenced, if found necessary, within the period of eight weeks from today, subject to availability of police force.

4. In view of the aforesaid contentions, Mr. Ankit Gupta, learned counsel for the petitioner submits that no further orders are required in this writ petition which stand disposed of.

5. It may be noted that Mr. Imran Ahmed, learned counsel, has also entered appearance on behalf respondent No. 3, who is stated to be the occupier of the subject property. He states that respondent No. 3 has nothing to do with the subject property.

6. The submissions of MCD noted above have been 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 formalities.

7. In the event the petitioners have any further grievance with regard to unauthorised construction, they are 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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