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

+ W.P.(C) 14721/2024

SH. MUKESH KUMAR JHA & ORS.

.....Petitioners

Through: Mr. P.K Dash, Mr. Mithilesh Kumar,
Mr. Aman Mehrotra, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI(MCD), & ORS.

.....Respondents

Through: Mr. Sanjay Vashishta, SC with Ms.
Harshita Rai, Ms. Vasudha Saini,
Advocates for R1 to 3.
Mr. Siddhant Nath, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.10.2024**

CM APPL. 61846/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14721/2024

1. The petitioners have approached this Court in respect of alleged unauthorised construction stated to have been raised by respondent Nos. 4 and 5 in property No. RZ 36/37, Shiv Mandir Marg, Rajnagar Part-I, Palam Colony, New Delhi – 110045 [“the subject property”].
2. It is evident from the contents of the writ petition itself that the Municipal Corporation of Delhi [“MCD”] has passed a demolition order in respect of the subject property on 19.07.2024 and also sealed the property on 01.08.2024.
3. The petitioners’ grievance is that the owners/occupants of the



property are making an attempt to re-enter the property.

4. Learned counsel for MCD, who appears on advance notice, submits that, as stated in the petition, the subject property has been sealed on 01.08.2024 and that further action with regard to the proposed demolition will be taken expeditiously in accordance with law and, in any event, will be commenced within a period of 12 weeks from today, subject to availability of police force.

5. With regard to the petitioners' allegation that the property is being re-entered after tampering with the seal, learned counsel for the MCD states that the instructions received are that the subject property remains sealed. However, MCD will keep a vigil over the property to ensure that the seal is not tampered with. In the event, any attempt is made to tamper with the seal, MCD will take action available to it in law.

6. There is no need for further orders in this writ petition, which stands disposed of.

7. The aforesaid contentions are recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose rights and remedies are expressly reserved and MCD is directed to act strictly in accordance with law and after compliance of all statutory formalities.

8. In the event the petitioners remain aggrieved by any unauthorised construction, they are at liberty to approach the Special Task Force 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
'Bhupi'/'