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

+ W.P.(C) 14792/2024
KHUSAL SAXENA

.....Petitioner

Through: Mr. Puneet Singh Yadav,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
AND ANR

.....Respondents

Through: Mr. Vishal Raj Sehijpal, SC with
Ms. Priyanka Handa, Adv. for R-1
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.10.2024**

1. The petitioner has approached this Court under Article 226 of the Constitution seeking demolition and sealing of property being *Plot No. 259/10/3, Old No. 259/10, Vikas Nagar, Phase 2, Uttam Nagar, New Delhi – 110059* [“the subject property”], on the ground that the construction is illegal and unauthorised.

2. Mr. Vishal Raj Sehijpal, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the property has already been inspected and unauthorised construction having been found, the property has been booked on 14.10.2024. A show cause notice has been issued to the owners/occupants of the property and further action will be taken by MCD upon considering



the replies, if any, to the show cause notice.

3. Mr. Sehijpal states that further action, if necessary, will be commenced as expeditiously as possible and in any event within 12 weeks after any final order is passed, subject to availability of police force.

4. In the writ petition, the prayer is framed very widely seeking demolition of the subject property and other similar properties. However, this is a vague prayer which cannot be granted in this form without identification of the particular properties in question. If the petitioner has any grievance with regard to illegal construction on any property, he is 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].

5. In view of the above statement on behalf of the MCD, learned counsel for the petitioner states that no further orders are required in this writ petition, which stands disposed of.



6. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of 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 compliance of all statutory formalities.

7. The petition is disposed of in terms of the above.

PRATEEK JALAN, J

OCTOBER 22, 2024

“Bhupi”/