



\$~98

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

+ **W.P.(C) 14929/2024**

GUPPREET SINGH

.....Petitioner

Through: Mr. Sandeep Dedha, Advocate.

versus

THE COMMISSIONER MCD AND ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for
MCD/R-1.

Mr. Brijesh Yadav, SPC with Ms.
Nikita, Advocate for R-3.

Ms. Chand Chopra & Mr. Piyush
Jain, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

23.10.2024

CM APPL. 62612/2024(for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14929/2024

1. The petitioner has approached this Court, under Article 226 of the Constitution, seeking a direction against the Municipal Corporation of Delhi ["MCD"], in respect of alleged unauthorised construction and encroachment over municipal land at property bearing No. *WZ-154B, Gali No. 5, Virender Nagar, New Delhi-110058* ["subject property"].

2. Mr. Manu Chaturvedi, learned Standing Counsel for MCD, appearing on advance notice, states that the subject property lies in an



unauthorised regularised colony. He states that the subject property will be inspected within the next three days, and if any illegal construction or encroachment on municipal land is found, necessary action will be taken by the MCD expeditiously and a show cause notice will be issued to the owners/occupants of the property within one week thereafter. Mr. Chaturvedi states that further action, in accordance with law, will be taken thereafter upon consideration of the reply, if any, to the show cause notice.

3. In view of the aforesaid submission made on behalf of MCD, Mr. Sandeep Dedha, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of.

4. 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.

5. Mr. Dedha states that if the petitioner remains aggrieved by unauthorised construction thereafter, he will 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].

6. The petition stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 23, 2024

'pv' /