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

+ W.P.(C) 14934/2024

ASHISH CHAUDHARYPetitioner

Through: Mr. Kaushal Mehta, Advocate.

versus

MUNCIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Mr. Umesh K. Barnwal, SC for
MCD. [M:-9911633057]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.10.2024**

CM APPL. 62619/2024(for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14934/2024

1. The petitioner has approached this Court, under Article 226 of the Constitution, complaining of alleged illegal construction in property No. 480/2, Krishna Gali, Kotla Mubarak Pur, New Delhi-110003 [“subject property”].

2. Mr. Umesh K. Barnwal, learned Standing Counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, submits that subject property has been booked on 22.10.2024, and a show cause notice has been issued upon unauthorised construction having been found. He further submits that MCD proposes to take further action, in



accordance with law, after considering the reply, if any, to the show cause notice. Mr. Barnwal states that such action will be taken expeditiously and, if any demolition order is to be made, it will be issued within four weeks from today. He further submits that consequential action will also be taken as expeditiously as possible, subject to the availability of police force.

3. In view of the fact that MCD is already seized of the issue, Mr. Kaushal Mehta, learned counsel for the petitioner, states that no further orders are required 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. 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].

6. The writ petition is disposed of in the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 23, 2024
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