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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15147/2024**

MOHAMMAD NASIRPetitioner
Through: Mr. Shabbir Ali, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.Respondents
Through: Mr. Saimon Farooqui, Advocate
for MCD.
Mr. Avtaar Singh Deol, SPC for
UOI.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in the fourth and fifth floor of property *No.2147, MP Street, Patodi House, Darya Ganj, Delhi-110002* ["subject property"].
2. Mr. Saimon Farooqui, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the property has been inspected, and unauthorised construction having been found on the fourth and fifth floor of the subject property, a show cause notice has been issued to respondent No.4 today. He submits that further action will be taken expeditiously, and in accordance with law, upon consideration of the reply to the show cause notice, if any. He states that a demolition order, if required, will be passed within three weeks from today, and further consequential action will be taken

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expeditiously in accordance with law.

3. In view of the above, learned counsel for the petitioner does not seek any further directions 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 formalities.

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].

PRATEEK JALAN, J

OCTOBER 28, 2024

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