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

+ **W.P.(C) 15194/2024**

DEEPA THAKUR

.....Petitioner

Through: Mr. Vinod Kumar Mantoo, Mr.
Devesh Maurya & Mr. Sukhamrit
Singh, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Bhavnes Dalal & Mr. Divye
Chugh, Advocates for MCD.
Mr. Jatin Singh, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.10.2024

CM APPL. 63721/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15194/2024 & CM APPL. 63720/2024

1. The petitioner has filed this petition under Article 226 of the Constitution seeking action by Municipal Corporation of Delhi ["MCD"] in respect of unauthorised construction *G-14, Gali No. 6, Vijay Chowk, Laxmi Nagar, Delhi-110092*.

2. Mr. Bhavnes Dalal, learned counsel for MCD, who appears on advance instructions submits that property has been inspected and unauthorised construction having been found, a show cause notice has



been issued to the owners/occupants of the property on 24.10.2024. He states that further action will be taken expeditiously and in accordance with law upon consideration of the reply to the show cause notice, if any.

3. Mr. Dalal submits that a demolition order, if required will be passed within the next three weeks and further consequential action will be taken expeditiously.

4. Mr. Vinod Kumar Mantoo, learned counsel for the petitioner, states that construction work continues at the premises even now. In view of this submission, MCD is directed to inspect the property again, within the next three days and issue a work stop notice, if required.

5. In view of the aforesaid directions, no further orders are required in this writ petition, which stands disposed of, alongwith pending application.

6. 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.

7. In the event the petitioner has any further grievance with regard to unauthorised construction, she 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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