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

+ W.P.(C) 15309/2024, CM APPL. 64270/2024 & CM APPL. 64271/2024

MANOJ KUMAR AND ANR

.....Petitioners

Through: Ms. Shobha Gupta, Ms. Akshita Mishra, Ms. Manasavi Negi and Ms. Simranjeet Kaur, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS.

.....Respondents

Through: Ms. Pula S. Kalra, SC with Mr. Virendra Singh, Advocate for MCD.
Mr. Sourabh Gupta, Sr. Panel Counsel for R-5.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
29.10.2024

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1. The petitioner has filed this petition, under Article 226 of the Constitution, seeking action in respect of unauthorised construction at *House No. 26, Basant Nagar, Southwest Delhi* [“subject property”].
2. Ms. Puja S. Kalra, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been inspected today, and unauthorised construction has been found in the form of raising of a brick wall and RCC column. The MCD has issued a work stop notice today, i.e., 29.10.2024, and has also



issued a show cause notice to the owners/occupants of the property yesterday, i.e., 28.10.2024. Ms. Kalra states that a decision will be taken after considering the reply to the show cause notice, if any. She further states that if a demolition order is passed, consequential action will be taken within a period of 8 weeks thereafter, subject to availability of police force.

3. Ms. Shobha Gupta, learned counsel for the petitioner, submits that in view of the above, no further orders are required in this writ petition, however, she has been instructed that construction continues at the subject property even today.

4. Having regard to the above, the MCD is directed to inspect the property again within one week and take necessary action. In the event, the construction is taking place despite the work stop notice, the MCD will take assistance of the concerned Station House Officer, if required.

5. 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.

6. In the event the petitioners have any further grievance with regard to unauthorised construction, they are 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].

7. The writ petition, alongwith pending applications, stands disposed of.

PRATEEK JALAN, J

OCTOBER 29, 2024/MR/