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

+ W.P.(C) 15320/2024 & CM APPLs. 64300/2024, 64301/2024

RAHUL SHARMA

.....Petitioner

Through: Mr. Sameer Nandwani, Mr. Shiv
Gupta, Mr. Nikhil, Mr. Sarthak
Arora, Advocates.

versus

SMT. HARSH KAPOOR & ORS.

.....Respondents

Through: Mr. Prabhat Kumar, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution complaining of alleged unauthorised construction in property *No. 12/50, Geeta Colony, Gandhi Nagar, East Delhi, New Delhi – 110031* [“the subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has already been inspected and unauthorised construction having been found, the property has been booked on 22.10.2024. A copy of the show cause notice issued to the owners/occupiers of the property on 22.10.2024 has been handed up to the Court, and is taken on record.

3. MCD has found deviation from the sanctioned building plan at the



stilt floor, ground floor, first floor, second floor and third floor of the subject property alongwith projections on government land.

4. Learned counsel states that the show cause notice will be adjudicated in accordance with law upon consideration of the reply received from the owners/occupiers, if any. He states that, if necessary, a demolition order will be passed within four weeks from today and necessary consequential action will be taken within eight weeks thereafter, subject to availability of police force.

5. Learned counsel for the petitioner states that construction material has been left outside the subject property blocking access to the petitioner's residence. MCD is directed to inspect the property again within the next one week and in the event any further action is required, they will take necessary action forthwith.

6. In view of the aforesaid directions, no further orders are required in this writ petition, which stands disposed of. Pending applications also stand disposed of.

7. 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 statutory remedies are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

8. 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 29, 2024
'Bhupi'/'