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

+ W.P.(C) 15323/2024, CM APPL. 64306/2024 & CM APPL. 64307/2024

MS. PUJA KASERAPetitioner
Through: Mr. C.P. Malik, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.Respondents
Through: Ms. Puja S. Kalra, Advocate for
MCD.
Mr. R.K. Dhawan, SC with Ms.
Nisha Dhawan, Advocate for
DDA.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
29.10.2024

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1. The petitioner has approached this Court, under Article under Article 226 of the Constitution, complaining of alleged illegal construction at property bearing No. 6104/7, Top Floor, Sector D-6, Pocket-6B, Santushti Apartments, Vasant Kunj, New Delhi-110070 [“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 is a Delhi Development Authority [“DDA”] flat. Upon inspection, deviation from the standard building plan has been found, and



a work stop notice has been issued on 25.10.2024. The MCD has also issued a show cause notice to the owners/occupants of the subject property on 28.10.2024, and proposes to take action, in accordance with law, upon considering the reply to the show cause notice, if any. Ms. Kalra submits that a demolition order, if necessary, will be passed within a period of 4 weeks from today and further consequential action, if any, will be taken within 8 weeks thereafter, subject to availability of police force.

3. Having regard to the aforesaid, it is clear that the MCD is seized of the petitioner's grievance, and is taking action in that regard.

4. Learned counsel for the petitioner, therefore, does not seek any further orders in the writ petition, which stands disposed of.

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 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].

7. The petition, alongwith pending applications, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 29, 2024/MR/