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

+ W.P.(C) 15368/2024

DR. FAZAL UL HAQ

.....Petitioner

Through: Mr. Sunil Choudhary, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Sharma & Mr.
Mahender Shukla, Advocates for
MCD.

Mr. Sushil Raaja, SPC for UOI
with Mr. Vaibhav Gupta,
Advocate.

Ms. Harshita Nathrani, Advocate
for Mr. Sameer Vashisht, ASC
(Civil), GNCTD.

Mr. Moksh Arora & Mr. Santosh
Ramdurg, Advocates for R-
5/BSES-YPL.

Ms. Sangeeta Bharti, Standing
Counsel with Ms. Malvi Blayan,
Advocate for DJB/R-6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.11.2024

CM APPL. 64446/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15368/2024 & CM APPL. 64447/2024

1. The petitioner has filed this petition under Article 226 of the
Constitution complaining of alleged unauthorised in property No. 1296



and 1307, Zeenat Mahal, Farsh Khana, Delhi-110006.

2. Mr. Abhinav Sharma, learned counsel for Municipal Corporation of Delhi [“MCD”], states upon instructions that the properties are large properties with several owners, and that action in respect of unauthorised construction in these properties have been taken at various times, since the year 2018. He submits that the latest action taken by MCD is in the form of show cause notices issued to the owners/occupants of the properties on 25.10.2024 and 04.11.2024. Copies of the show cause notices dated 25.10.2024 and 04.11.2024 have been handed over to the Court and are taken on record.

3. The said show cause notice dated 25.10.2024 deals with the property No. 1296 (*part*), *Zeenat Mahal, Farsh Khana, Delhi-110006*. In the show cause notice dated 25.10.2024, unauthorised construction is stated to have been found in the ground and first floor with the remarks “*new*”. In the show cause notice dated 04.11.2024, which deals with property no. 1307(*part*), *Zeenat Mahal, Farsh Khana, Delhi-110006*, unauthorised construction has been found all the way from the ground floor to the fifth floor, out of which the ground floor and first floor have been marked as “*already booked*” and in the other floors unauthorised construction has been found on the entire floor.

4. Mr. Sharma states that further action will be taken in accordance with law, upon receipt of the replies to the show cause notices, if any. Demolition orders, if required, will be passed within a period of six weeks from today. In such an eventuality, consequential action will be taken within twelve weeks thereafter.

5. In view of the above submission, it appears that MCD is already



seized of the issue of unauthorised construction in the properties and is taking action in accordance with law. No further orders are therefore required in the writ petition, which stands disposed of.

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, 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

NOVEMBER 5, 2024/‘pv’/