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

+ W.P.(C) 15380/2024 & CM APPLs. 64464-65/2024

HARIHARAN BALAKRISHNAN & ANR.Petitioners

Through: Mr. K.V. Sriwas Narayanan, Mr.
K.V. Vibu Prasad, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.Respondents

Through: Mr. Prabhat Kumar, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.11.2024

1. The petitioners have filed this writ petition under Article 226 of the Constitution complaining of alleged unauthorised construction in property Nos. A2/98/1 and A2/98/2, *Safdarjung Enclave, New Delhi – 110029* [“subject properties”].

2. At the very outset, Mr. Prabhat Kumar, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject properties have been inspected and unauthorised construction having been found, show cause notices have been issued to the owners/occupiers of the properties on 29.10.2024. Copies of the show cause notices have been handed to the Court and are taken on record.



3. Mr. Kumar states that the further course of action will be decided after considering the replies to the show cause notices, if any, and that if demolition orders are required to be passed, the same will be done within four weeks from today. In such an eventuality, consequential action as necessary will be taken within a period of eight weeks thereafter in accordance with law, subject to availability of police force.

4. It appears from the above that MCD is seized of the issue relating to unauthorised construction on the subject properties, and no further orders are required in this writ petition.

5. However, learned counsel for the petitioners state that unauthorised construction on the subject properties continues even today. MCD is directed to inspect the properties again within the next three days, and, if required, to issue stop work notices to the owners/occupiers of the subject properties forthwith.

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

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 properties, 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 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].

PRATEEK JALAN, J

NOVEMBER 4, 2024

“Bhupi”/