



\$~59

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

+ W.P.(C) 15407/2024 & CM APPL. 64602/2024

MOHD SULTAN AND OTHERS

.....Petitioners

Through: Ms. Maldeep Sidhu, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate
for R-1/MCD.

Ms. Uma Prasuna Bachu, SPC for
R-2/Delhi Police.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
05.11.2024

%

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal construction in Plot No. *HR-236, Pulpehaladpur, New Delhi-110044* ["subject property"].

2. Mr. Abhishek Mahajan, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance instructions, states that property was inspected yesterday and found to be unauthorised. It has therefore been booked and a show cause notice has been issued today, which will be served upon the owners/occupants of the subject property by tomorrow i.e. 06.11.2024. He states that further proceedings will be taken after considering the reply to the show cause



notice, if any and if a demolition order is required to be passed, it will be passed in accordance with law within four weeks from the date of this order. He further states that consequential action will be taken within eight weeks thereafter, subject to availability of police force. He further states that if construction is ongoing, MCD will also issue a stop work notice within a period of three days from today.

3. In view of the fact that MCD is thus seized of the issue of illegal construction on the subject property, no further orders are required in this writ petition, which accordingly stands disposed of.

4. 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.

5. In the event the petitioner has 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 5, 2024
'pv'/