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

+ W.P.(C) 15408/2024
MONIKA

.....Petitioner

Through: Ms.Monika and Ms.Shalu Kardam,
Advocates with petitioner in
person.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS

.....Respondents

Through: Mr.Ajjay Arorra and Kapil Dutta,
Advocates for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
06.11.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal construction in the several properties bearing Nos. ["subject properties"]:

- i) Flat No.1882, Janta Flat, GTB Enclave, Nand Nagri, Delhi - 110093;
- ii) Flat No.1292, Janta Flat, GTB Enclave, Nand Nagri, Delhi - 110093;
- iii) Flat No.1770, Janta Flat, GTB Enclave, Nand Nagri, Delhi - 110093;
- iv) Flat No.1768, Janta Flat, GTB Enclave, Nand Nagri, Delhi - 110093 and;
- v) Flat No.2044, Janta Flat, GTB Enclave, Nand Nagri, Delhi - 110093.

2. Learned counsel appearing on behalf of the Municipal Corporation



of Delhi [“MCD”] has taken instructions and states that there is no ongoing construction in the subject properties, but the question of whether there is any unauthorized construction would have to be determined with reference to the standard building plans of the Delhi Development Authority [“DDA”]. MCD has already written to DDA for a copy of the standard building plans and proposes to take necessary action in accordance with law if the construction is found to be in excess of the standard building plans. Learned counsel states that in such an eventuality, show cause notices would be issued to the owners/occupants of the subject properties within a period of six weeks from today and further consequential orders will be passed and action taken upon consideration of the replies to the show cause notices, if any.

3. Learned counsel appearing for the petitioner accepts that there is no ongoing construction in the subject properties, but submits that the constructions raised deviate from the standard building plans without due authority of law.

4. From the facts narrated above, it appears that MCD is seized of the issue and is taking necessary action in coordination with DDA. 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.*], constituted a Special Task Force [“STF”], headed by the Vice-Chairman, DDA and comprising of representatives of all the concerned agencies with a specific objective of looking into the complaints of unauthorized construction/ encroachment etc. in a coordinated manner.

5. In the event, the petitioner remains aggrieved by any unauthorized construction which, according to her, has not been acted upon by MCD,



she will be at liberty liberty to approach the STF. This order is made with reference to the judgment 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].

6. In view of the above, no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

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 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.

PRATEEK JALAN, J

NOVEMBER 6, 2024

“SV”/