



\$~42

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

+ W.P.(C) 15451/2024

LT COL NAKUL KAUSHIK

.....Petitioner

Through: Mr. Rustam Malik, Mr. Nitish Pande, Ms. Swati Mishra, Mr. Sarthak Udaipuria, Mr. Amish, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Appearance not given for MCD.
Mr. Tushar Sannu, SC with Mr. Manoviraj Singh, Advocates for DDA.
Mr. Sandeep Tyagi, Advocate for R-8.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

06.11.2024

CM APPL. 64864/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15451/2024

1. The petitioner has approached this Court under Article 226 of the Constitution of India complaining of the alleged illegal and unauthorised construction on the terrace of *Flat No. 450, DDA Flat, RU Block, Pitampura, Delhi* [“the subject property”].



2. Learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the unauthorised construction on the terrace of the subject property has been inspected on 16.10.2024, and remains sealed pursuant to the sealing orders passed in the year 2020. He further submits that demolition orders in respect of unauthorised construction have also been passed on 03.06.2019, and demolition action is scheduled within this month, subject to availability of police force. Learned counsel for MCD states that necessary action, consequent upon the demolition order, will be taken, in any event, within eight weeks from today.

3. In view of the above statement on behalf of MCD, learned counsel for the petitioner does not seek any further orders in this writ petition, which 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 statutory remedies are 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, 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 6, 2024

“Bhupi”/