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

+ W.P.(C) 15521/2024

NASREEN JAHAN

.....Petitioner

Through: Mr. Ragib Gayyur, Advocate.

versus

MUNCIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Ms. Harita Mehta, Advocate for
MCD.
Mr. Jitesh Vikram Srivastava, SPC
with Mr. Jitendra Tripathi, GP.
Mr. Arun Mahajan, SC for DDA
with Mr. Apoorv Upmanyu,
Advocate for R-2/DDA. [M:-
9899215738]

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **07.11.2024**

CM APPLs. 65171-65172/2024(Exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 15521/2024 & CM APPL. 65170/2024

1. The petitioner has approached this Court under Article 226 of the Constitution of India, complaining of alleged unauthorised construction in property No. 50/2, 5th Floor, Vishwakarma Park, Near P.S. Shakarpur



Laxmi Nagar, East Delhi-110092 [“subject property”]. The alleged unauthorised construction is in the shape of raising the 5th Floor on the subject property. Ms. Harita Mehta, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that the subject property has been inspected, and the 5th Floor, having been found to be unauthorised, has already been booked. She states that the show cause notice has been issued to the owner/occupants of the concerned property on 24.10.2024, and further action will be taken after considering the reply to the show cause notice, if any.

2. Ms. Mehta states that a demolition order, if required, will be passed within the next four weeks and that further consequential action will be taken as expeditiously as possible, after compliance with all statutory formalities and subject to availability of the police force.

3. Having regard to the aforesaid submission of learned counsel for MCD, Mr. Ragib Gayyur, learned counsel for the petitioner, does not seek 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 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, 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 7, 2024

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