



\$~10

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

+ W.P.(C) 15586/2024 & CM APPLs. 65380-81/2024

HITEN CHOUDHARY & ORS.

.....Petitioners

Through: Mr. Faizan Danish, Mr. Gagan
Singh Parmar, Mr. Anshuman
Nayak, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Ms. Beenashaw Soni, SC with Ms.
Mansi Jain Advocates for MCD.
Mr. Shekhar Kumar, Mr. Harsh
Kumar, Advocates for R-2.
Mr. Sanjeet R., SI, PS- Malviya
Nagar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

08.11.2024

1. The petitioners have approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in property bearing *Khatoni no. 77 Khasra no. 403/209 situated in Village Adhchini, New Delhi* [“subject property”].

2. Ms. Mansi Jain, Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been inspected today and, illegal construction having been found, a show cause notice will be issued to the owners/occupants of the subject property during the course of the day. She submits that further



action will be taken upon receipt of the reply to the show cause notice, if any and that if a demolition order is required to be passed, the same will be done within four weeks from today and further consequential action will be taken within a period of eight weeks thereafter.

3. In view of the aforesaid submissions on behalf of the MCD, learned counsel for the petitioners does not seek any further orders in this writ petition, which stands disposed of alongwith all pending applications.

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 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].

NOVEMBER 8, 2024
“*Bhupi*”/

PRATEEK JALAN, J