



\$~52

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

+ W.P.(C) 15645/2024 & CM APPL. 65608/2024 (*stay*)

SH SARWAN KUMAR SINGH & ORS.Petitioners

Through: Appearance not given.

versus

MUNICIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Nitish Dubey, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.11.2024**

1. The petitioners have approached this Court, under Article 226 of the Constitution, complaining of alleged illegal construction in property bearing *Plot No. 232, Jaitpur Village, Near Gurunanak Garden, New Delhi* ["the subject property"].

2. Mr. Ajjay Aroraa, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the subject property has been inspected and, unauthorised construction having been found, a show cause notice has been issued to the owners/occupants of the property on 08.11.2024. He states that further action will be taken upon consideration of the reply to the show cause notice, if any, and that a demolition order will be passed within four weeks, if necessary. He states that further consequential action will be taken, in accordance with law, within a period of eight weeks thereafter.

3. In view of the aforesaid submissions on behalf of the MCD, learned counsel for the petitioners state that no further directions are



required in this writ petition, which stands disposed of, alongwith the pending application.

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].

PRATEEK JALAN, J

NOVEMBER 11, 2024//‘Bhupi’/