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

+ W.P.(C) 15656/2024

RITU CHAUHAN

.....Petitioner

Through: Mr. Jayant Tewari, Ms. Sunaina,
Ms. Jyoti Sharma, Ms. Mehroon
Nisha, Ms. Pooja Rani, Mr.
Anshuman Verma, Advocates.

versus

COMMISSIONER OF M.C.D & ORS.

.....Respondents

Through: Ms Shilpa Dewan, Advocate for
MCD.

Mr. Manish Kumar, Advocate for
R-3.

Sub Inspector Rashmi, PS- Dabri.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

11.11.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution of India, complaining of alleged illegal construction in property No. B-63, 10 Foot Gali, Keshav Ram Park, Uttam Nagar, New Delhi – 110059 [“the subject property”].

2. 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. She submits 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. She 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 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, she 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 11, 2024/‘Bhupi’/