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

+ W.P.(C) 15689/2024

SHAILENDER KUMAR

.....Petitioner

Through: Ms. Radhika Goel, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Neeraj Kumar, Advocate for
MCD.

Mr. Kushak Kumar, Mr. Suryansh
Gaur, Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.11.2024

CM APPL. 65861/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15689/2024

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of illegal and unauthorised construction at plot situated at 58D, Katwaria Sarai, New Delhi – 110016 [“subject property”].

2. It is the contention of the petitioner that the construction is unauthorised and that it is also a dangerous construction, which is now being supported by makeshift pillars erected on the public road in front of the building.



3. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the property has been inspected and the unauthorised construction has been booked. He hands up a copy of the show cause notice dated 08.11.2024 issued to the owners/occupants of the property. Learned counsel states that a reply to the notice has been received and a hearing has been scheduled on 18.11.2024. Copies of the said documents are taken on record.

4. Learned counsel for the MCD states that MCD will take further action as expeditiously as possible in accordance with law and, if necessary, a demolition order or any other measure available to MCD, will be passed within a period of four weeks from today, and necessary consequential action will be taken within a period of eight weeks thereafter in accordance with law.

5. In view of the above submissions on behalf of MCD, learned counsel for the petitioner does not seek any further orders in this writ petition, which stands disposed of.

6. 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 formalities.

7. 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 12, 2024

“Bhupi”/