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

+ W.P.(C) 15765/2024

MOHD NASIR AND OTHERS

.....Petitioner

Through: Mr. Durgesh Gupta, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Arjun Mahajan, Ms. Neha Rai
& Mr. Apoorv Upamanyu,
Advocates for MCD. [M:-
9810047321]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.11.2024

CM APPL. 66154/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15765/2024 & CM APPL. 66153/2024

1. The petitioners have approached this Court under Article 226 of the Constitution, with regard to alleged illegal construction in the subject property [3751, First Floor and Second Floor, Street Najaf, Near Seema Lodge, Chooriwalan, Chawri Bazar, Delhi-110006]. Their contention is that the illegal construction has been carried out by the respondent Nos. 2 and 3 in this petition.



2. Mr. Arjun Mahajan, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that he has been instructed that *prima facie* there does not appear to be any fresh construction in the Subject property.

3. The Supreme Court, by orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*], constituted a Special Task Force, headed by the Vice Chairman of the Delhi Development Authority and comprised of representatives of all concerned agencies, to look into allegations of unauthorised construction. I am of the view that petitioner may be relegated to that remedy at the first instance, so that the factual aspects of the matter can be properly investigated by the appropriate administrative mechanism. 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].

4. In view of the aforesaid, the writ petition is disposed of with liberty to the petitioner to approach the STF for necessary directions. The STF is requested to act expeditiously in the event of any complaint being lodged.



5. It appears from the contents of the writ petition itself that a civil suit is pending between the petitioners and the private respondents. It is made clear that this Court has not made any observations on the correctness of the allegations contained in the writ petition, and this order is not intended to prejudice the rights and contentions of the parties in the civil suit, or any other proceedings, which the petitioner may adopt.

PRATEEK JALAN, J

NOVEMBER 13, 2024

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