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

+ W.P.(C) 15769/2024 & CM APPL. 66162/2024

MOHAMMAD NOMAN

.....Petitioner

Through: Ms. Shefali Jain, Mr. Ali Mushtaq
Nawazish & Ms. Shikha Sapra,
Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr Ashutosh Gupta, ASC for
MCD.
Mr. Ram Kumar, SPC with Mr.
Sushil Kumar, Mr. Sachin,
Advocates for R-2.
SI Anil Khatana, PS Lahori Gate,

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
13.11.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged unauthorised construction in property No. 610, Gali Fakhrullah Baig SN Marg, Delhi G.P.O. North Delhi, Delhi-110006.

2. Mr. Ashutosh Gupta, learned Additional Standing Counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance instructions states that property has been inspected and unauthorised



construction having been found to be ongoing, a stop work notice has been issued to the Station House Officer today. He states that show cause notice will be issued to owners/occupants within two days from today, and further action will be taken after considering the reply, if any.

3. Mr. Gupta states that a demolition order, if necessary, shall be passed within four weeks from today and consequential action will be taken within eight weeks thereafter, subject to availability of police force.

4. In view of the aforesaid submission of learned counsel for MCD, Ms. Shefali Jain, learned counsel for the petitioner, does not seek further orders in this writ petition, which stands disposed of.

5. 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 rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

6. 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 13, 2024
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