



\$~35

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

+ W.P.(C) 15756/2024

SMT. EBHA JAIN

.....Petitioner

Through: Mr. Rohit Jain, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Vikas Chopra, SC for MCD  
with Ms. Anita R. Mishra & Ms.  
Khushi, Advocates for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

%

**13.11.2024**

**CM APPL. 66143/2024** (*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 15756/2024 & CM APPL. 66142/2024**

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged unauthorised construction in property *No. F-1D, Block-F, Saket, New Delhi-110017* [“subject property”].
2. Mr. Vikas Chopra, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states upon instructions, that the subject property has been inspected and unauthorised construction was found to be ongoing. MCD has issued a stop work notice on 08.11.2024 and has also issued a show cause notice to the owners/occupants of the property on 11.11.2024. Copies of the said



documents have been handed over in Court and are taken on record.

3. Mr. Chopra submits that MCD will take further necessary action upon consideration of reply to the show cause notice, if any. Demolition orders or any other statutory measures available to MCD will be passed within four weeks from today, if necessary, and further consequential action will be taken within eight weeks thereafter, subject to availability of police force.

4. In view of the aforesaid submissions on behalf of MCD, Mr. Rohit Jain, learned counsel for the petitioner, states that no further orders are required in this writ petition. The writ petition therefore 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, 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 13, 2024**  
'pv'/'