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

+ **W.P.(C) 15751/2024**

SGB GLOBAL TECH PVT. LTD. & ANR.Petitioners

Through: Mr. Jai Sahai Endlaw, Mr.
Siddharth Arora & Mr. Gaurav
Kumar, Advocates.

versus

**MUNICIPAL CORPORATION
OF DELHI & ANR.**

.....Respondents

Through: Mr. Abhinav Sharma & Mr.
Mahender Shukla, Advocates for
MCD with Mr. Atul Kumar, AE,
Karol Bagh Zone.

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

ORDER

% **13.11.2024**

CM APPL. 66129/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15751/2024 & CM APPL. 66128/2024

1. The petitioners have approached this Court under Article 226 of the Constitution complaining of illegal encroachment and unauthorised construction on the service lane behind property Nos. 15-A/3 and 15-A/6, situated at Block 15-A, W.E.A., Karol Bagh, Delhi [“subject properties”].
2. Mr. Mahender Shukla, learned counsel for Municipal Corporation



of Delhi [“MCD”], appears on advance notice, upon instructions from Mr. Atul Kumar, Assistant Engineer, Karol Bagh Zone, MCD. He states that the subject properties have been inspected this morning and that the MCD has *prima facie*, found there appears to be an encroachment on the service lane behind subject properties by construction of a kitchen.

3. Learned counsel states that necessary action will be initiated by issuance of a show cause notice by tomorrow i.e., 14.11.2024. If any construction is found to be ongoing, a stop work notice will also be issued by MCD. Further orders will be passed after considering the reply to the show cause notice, if any, within a period of four weeks thereafter and consequential action, as necessary in law, will be taken within a period of eight weeks thereafter, subject to the availability of police force.

4. In view of the aforesaid submissions on behalf of MCD, Mr. Jai Sahai Endlaw, 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 properties, 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, it 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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