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

+ W.P.(C) 15763/2024
ANUJ KUMAR

.....Petitioner

Through: Mr. V.C. Shukla, Mr. Tarun Gulia,
Mr. Narendra Sharma, Mr. Prabh
Simar Singh, Mr. Varun Gulia &
Mr. Rohit Choudhary, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Ms. Shilpa Dewan, ASC for MCD
Mr. Rishikesh Kumar, ASC for
GNCTD with Ms. Sheenu Priya,
Mr. Atik Gill, Mr. Sudhir Kumar
Shukla & Mr. Sudhir, Advocates.
[M:-9911483629]
Mr. Manish Mohan, CGSC with
Mr. Jatin Teotia & Mr. Samarth
Talesara, Advocates for UOI/R-2
& 5.
Ms. Sangeeta Bharti, SC for DJB
with Ms. Malvi Balyan & Ms.
Vidushi Gupta, Advocates for R-
3/DJB.
Mr. Rishab Raj Jain, SC for BSES
RPL/R-6.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.11.2024**

CM APPL. 66152/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.



W.P.(C) 15763/2024

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal construction in *Plot No. B-1/75/76, Khasra No. 109/16, Madhu Vihar, New Delhi-110059* [“subject property”].

2. Ms. Shilpa Dewan, learned Additional Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that unauthorised construction was found to be ongoing as a result of which MCD has issued show cause notice to the owners/occupants of the subject property on 11.11.2024 and First Information Report has also been registered with the concerned police station. Ms. Dewan states that further action will be taken upon receipt of reply to the show cause notice, if any. A demolition order or any other statutory measure available to MCD will be taken within four weeks from today, if necessary, and further consequential action will be taken within eight weeks thereafter, subject to the availability of police force. A copy of the show cause notice has been handed over in Court and is taken on record.

3. Mr. V.C. Shukla, learned counsel for the petitioner, submits that as of yesterday, the construction was ongoing in the subject property. Although Ms. Dewan has been instructed to the contrary, she states that the property will be inspected again within the next two days and if any construction is found to be ongoing, a stop work notice will also be issued.

4. In view of the aforesaid submissions on behalf of MCD, Mr. Shukla 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, 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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