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

+ **W.P.(C) 15808/2024 & CM APPL. 66388/2024**

ASHOK KUMAR SHARMA

.....Petitioner

Through: Mr. Jasbir Singh Malik and
Ms.Rhythm Bharadwaj, Advocates

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Arjun Mahajan, Ms. Neha Rai
and Mr. Apoorv Upamanyu,
Advocates for MCD

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction in property *No. 1/550, East Delhi Medical Centre, G.T. Road, Mansarovar, Shahdara, Delhi-110032* [“subject property”].

2. Mr. Arjun Mahajan, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, submits that the property has been inspected and unauthorised construction having been found, a show cause notice has been issued to the occupants of the property on 14.11.2024. A work stop notice has also been issued to the concerned Station House Officer. He submits that further action in accordance with law will be taken expeditiously upon consideration of



the reply of the show cause notice, if any.

3. In view of the aforesaid contentions on behalf of MCD, learned counsel for the petitioner does not seek any further orders in this writ petition, which stands disposed of.

4. In the event the petitioner remains aggrieved by any other unauthorised construction, he will be at liberty 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].

5. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of owners/occupants of the subject property, whose statutory remedies are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities. MCD will also bear in mind the precautions laid down by the Supreme Court in a judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures*



[WP (C) 295/2022 and connected matters].

6. The writ petition, alongwith the pending application, is disposed of in terms of the above.

NOVEMBER 18, 2024
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PRATEEK JALAN, J