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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15863/2024 & CM APPLs. 66628-29/2024**

ABHISHEK GUPTA

.....Petitioner

Through: Mr. Vinod Sharma, Advocate with
petitioner in person.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Ms. Reema Khurana, Mr. Vikash
Kumar, Advocates for MCD.
Mr. Vikash Kr. Sharma, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in property No. 6995, Ghass Mandi, Pahari Dhiraj, Delhi-110006 [“subject property”].
2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the subject property has been inspected and that, *prima facie*, construction is ongoing, which is unauthorised. MCD, therefore, proposes to book the property within two days from today and issue a show cause notice to the owners/occupants of the property. It will thereafter take further action in accordance with law, after considering the reply to the show cause notice, if any.
3. In view of the submissions on behalf of MCD, the petitioner, who appears in person, does not seek any further orders in this writ petition, which stands disposed of alongwith the pending applications.



4. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of the 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 and also bearing in mind the judgment of the Supreme Court delivered yesterday, i.e., 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters]. MCD will also ensure that any steps taken by it are compliant with the precautions laid down in the said judgment.

5. 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].

6. The petition, alongwith all pending applications, stands disposed of



in terms of the above.

NOVEMBER 14, 2024
“Bhupi”/AL/

PRATEEK JALAN, J