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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15824/2024

NITIN

.....Petitioner

Through: Ms. Parul Agarwal, Advocate.

versus

MCD AND ANR.

.....Respondents

Through: Mr. Mahender Shukla, Advocate.

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 *Plot No. 7720, Gali Khatikaan Nawab Road, Sadar Bazaar, Delhi – 110006* [“subject property”].
2. Mr. Mahender Shukla, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been inspected and unauthorised construction having been found, demolition action against the unauthorised construction was initiated. In fact, a demolition order has already been passed on 04.11.2024. He states that show cause notice with regard to sealing of the subject property has also been issued on 06.11.2024.
3. Mr. Shukla states that further action, in accordance with law, will be taken as expeditiously as possible, subject to the availability of police force.
4. In view of the above submissions on behalf of MCD, learned



counsel for the petitioner does not seeks any 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 property, whose statutory remedies are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

6. MCD is also directed to have due regard to 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 ensure that any action taken or proposed to be taken, is compliant with the precautions contained in the said judgment.

7. 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].

8. The petition is disposed of in terms of the above.

NOVEMBER 14, 2024
“*Bhupi*”/AL/

PRATEEK JALAN, J