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

+ W.P.(C) 15906/2024 & CM APPL. 66781/2024

MS. PRABHA

.....Petitioner

Through: Mohd. Babar, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Vikas Chopra, SC with Ms.
Anita R. Mishra, Advocate for
MCD.

Mr. Puneet Yadav, Sr. Panel
Counsel for R-2.

Ms. Monika Tripathy, SC with Mr.
Ashutosh Kaushik, Advocate for
R-3.

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, in respect of alleged illegal and unauthorised construction in property bearing *Plot No. E-38, Khasra No. 748, Kanchankunj, Madanpur Khadar, Sarita Vihar, New Delhi-110076* [“subject property”]. The petitioner’s case is that the alleged unauthorised construction has been undertaken by respondent No. 4 on property of the petitioner.
2. Mr. Vikas Chopra, learned Standing Counsel for Municipal



Corporation of Delhi [“MCD”], who appears on advance notice, states that upon unauthorised construction having been found, a demolition order was passed on 15.04.2024, and partial demolition action was also taken on 01.05.2024. He states that MCD will proceed in accordance with law, with regard to further action.

3. In view of the above submissions on behalf of MCD, Mr. Mohd. Babar, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending application.

4. As far as the allegation of encroachment by respondent No. 4 into the property of the petitioner is concerned, it is made clear that this Court has not adjudicated on any such contention, and it is for the petitioner to take appropriate civil remedies in this regard, if she is so advised.

5. The rights and contentions of respondent No. 4 or any owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

6. In the event the petitioner has any further grievance with regard to unauthorised construction, she 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 18, 2024/MR/AD/