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

+ W.P.(C) 15951/2024

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.....Petitioner

Through: Mr. Akash Tripathi, Mr. Sachin
Mavi & Mr. Yogesh Kumar,
Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS.

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate
for R-1 to 4/MCD.
Mr. Ranvir Singh, CGSPC for R-5
to 7.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
19.11.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution, seeking action in respect of alleged illegal construction in the subject property [*Plot H No. 24, Khasra No. 154/1 and 166/2, Tajpur Village, Badarpur, New Delhi*]. According to the petitioner, construction has been raised by respondent Nos. 7 and 8 herein.

2. Mr. Abhishek Mahajan, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that a demolition order has already been passed in respect of the subject property on 25.09.2024. Pursuant to the said order, demolition action was



also attempted on 08.11.2024 and 14.11.2024, but could not be undertaken for want of police assistance. Mr. Mahajan also states that sealing proceedings have also been initiated. He states that further action will be taken by MCD in accordance with law expeditiously, subject to availability of police force.

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

4. The rights and contentions of respondent No. 7 and 8, or any other owners/occupants of the subject property 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 dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

5. 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 19, 2024
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