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

+ W.P.(C) 16039/2024

ANIL KUMAR AND ORS

.....Petitioners

Through: Mr. Jayant Tewathia, Advocate.

versus

MCD AND ORS

.....Respondents

Through: Ms. Sanam Tripathi, Addl. Standing
Counsel, MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.11.2024

CM APPL. 67396/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16039/2024

1. The petitioners have approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in property No. 213-D, Ward No.-2, Khasra No. 1151/3 min. situated in the abadi of lal dora of Village Mehrauli, New Delhi- 110030 [“subject property”].

2. Ms. Sanam Tripathi, learned Additional Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that the subject property has been inspected and unauthorised construction having been found, a show cause notice has been issued to the owners/occupants of the subject property on 11.11.2024. Ms. Tripathi states that a work stop notice was also issued on



14.11.2024, and sealing action has also been initiated. Ms. Tripathi states that further action will be taken by MCD in accordance with law after consideration of the reply to the show cause notice, if any.

3. Mr. Jayant Tewathia, learned counsel for the petitioners, however, submits that work continues at the site, despite the aforesaid action of MCD. MCD is directed to inspect the subject property again within the next three days and take further actions, if necessary, in accordance with law, as expeditiously as possible, subject to availability of police force.

4. In view of the fact that MCD is seized of the construction on the subject property, and has already initiated action, no further orders are required in the writ petition, which stands disposed of.

5. The rights and contentions of the 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 bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

6. In the event the petitioners have any further grievances with regard to unauthorised construction, they are 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 20, 2024

“Bhupi/JM”/