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

+ W.P.(C) 16084/2024 & CM APPL. 67530/2024, CM APPL. 67531/2024

AVTAR CHAND ARORA

.....Petitioner

Through: Mr.Hansraj, Mr.Surender Kumar
and Mr.Tushar Tyagi, Advocates

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr.Harsh Singhal, Ms.Mughdha
Avnish and Mr.Utkarsh Singhal,
Advocates for MCD with
Mr.Ashwani Mathur, Law Officer
Karol Bagh Zone, (through VC)
for-1
Mr.Amit Gupta, SPC with
Mr.Vidur Dwivedi, Advocate and
SI Neeraj Chaudhary, PS Patel
Nagar for R-2
Ms.Snighdha Sood, Advocate for
R-4 and 5

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
20.11.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution, seeking directions upon the Municipal Corporation of Delhi ["MCD"] with regard to demolition of unauthorized construction in property bearing No. H-7 and H-8, Double Storey Quarter, West Patel Nagar, New Delhi-110008 ["subject property"].

W.P.(C) 16084/2024

Page 1 of 3



2. Alongwith the writ petition, the petitioner has annexed a copy of a notice dated 10.04.2024 addressed by MCD to the concerned Station House Officer for assistance in stopping work on the premises. Learned counsel for MCD states that, pursuant to a demolition order dated 27.05.2024, partial demolition action has also been taken on 18.10.2024. A copy of the demolition order is handed up in Court, and is taken on record. Further action was not taken due to Graded Response Action Plan IV restrictions on construction activity in view of the rising air pollution levels in the city, and states that action will be taken in accordance with law at an appropriate stage.

3. Learned counsel for the petitioner, however, submits that action has not been taken in respect of the unauthorized construction.

4. As far as this aspect is concerned, I am of the view that appropriate administrative/supervisory mechanism is provided in the form of 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 v. Union of India & Ors.*]. The STF is headed by the Vice-Chairman, DDA and comprised of representatives of all the concerned agencies, with the specific objective of looking into the factual aspects conveniently, to ensure that necessary action is taken in a co-ordinated manner.

5. Recording the submissions on behalf of MCD as aforesaid, the petitioner is permitted to approach the STF. In the event he does so within a period of two weeks from today, the STF is requested to act expeditiously. 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. Learned counsel for the respondent Nos. 4 and 5 also appears on advance notice, and states that respondent Nos. 4 and 5 are the owners of the 2nd and 3rd floor of the subject property. She submits that they have only undertaken renovations in the property and no fresh construction has been made. It is made clear that the submissions recorded above are without prejudice to the rights and contentions of the owners/occupants of the property, including respondent Nos. 4 and 5, whose remedies are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities.

7. The writ petition, alongwith the pending applications, is disposed of, in terms of the above.

PRATEEK JALAN, J

NOVEMBER 20, 2024

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W.P.(C) 16084/2024

Page 3 of 3