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

+ W.P.(C) 16019/2024

MOHD PARVEZ

.....Petitioner

Through: Mr. Salman Ali Khan, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate
for MCD.

Mr. Avtaar Singh Deol, Advocate
for R-2.

Mr. Imran Ali, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution of India, complaining of alleged illegal and unauthorised construction in property bearing *Plot No. 190/4, Gali No. 4, Zakir Nagar, Okhla, Jamia Nagar, Delhi – 110025* [“subject property”].

2. Mr. Abhishek Mahajan, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that the subject property was booked on 08.11.2024 and a show cause notice was issued to the owners/occupants of the subject property, to which they have furnished a reply dated 13.11.2024. Mr. Mahajan submits that a hearing has been fixed on 26.11.2024 at 03:00 P.M.,



following which necessary action will be taken in accordance with law, if necessary.

3. Mr. Mahajan states that, alongwith the reply to the show cause notice, the owners/occupants have furnished a copy of a sanctioned building plan in respect of the subject property, and have contended that they are constructing in accordance with the sanctioned plan. He submits that MCD will consider the aforesaid contentions at the personal hearing and will also take further action if the construction is found to deviate from the sanctioned plan.

4. Mr. Imran Ali, learned counsel for the respondent No. 3, who appears on advance notice, states that respondent No. 3 is not the owner/occupier of the subject property. He, however, submits that the owner of the subject property is one Mr. Athar Ali, brother-in-law of respondent No. 3.

5. It appears from the above submissions, that MCD is seized of the allegations regarding unauthorised construction in the building, and is taking action pursuant thereto. Mr. Salman Ali Khan, learned counsel for the petitioner, therefore, does not seek any further orders in this writ petition, which stands disposed of. It will, however, be open to the petitioner to challenge the sanctioned plan, in accordance with law, before the Appellate Tribunal for MCD, if he is so advised.

6. The aforesaid submissions have been recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose remedies 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* [WP (C) 295/2022 and connected matters].

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].

PRATEEK JALAN, J

NOVEMBER 20, 2024

“*Bhupi/JM*”/