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

+ W.P.(C) 16131/2024

ABHISHEK CHAUDHARY

.....Petitioner

Through: Mr. Droan Dutt & Mr. Rohit
Rawat, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Umakant Mishra, ASC with
Mr. Madan Lal Kalkal, Advocate
with Mr. Satish Gautam, AE,
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.11.2024

CM APPL. 67773/2024 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 16131/2024 & CM APPL. 67772/2024 (for ad-interim
directions)**

1. The petitioner has approached this Court under Article 226 of the Constitution, seeking action in respect of alleged illegal and unauthorised construction in property *Khasra No. 113/2, Gali No. 16, Ward No. 11, Wazirabad, Opp. Biodiversity Park, Delhi-110084* [“subject property”].

2. Mr. Droan Dutt, learned counsel for the petitioner, submits that a



demolition order was passed in respect of the subject property on 05.08.2024, which refers to demolition of the ground floor and tin shed at the first floor of the subject property. However, he submits that no action has been taken.

3. Mr. Umakant Mishra, learned Additional Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits upon instructions from Mr. Satish Gautam, Assistant Engineer, MCD that demolition action was scheduled on 16.08.2024 but could not be taken for want of police assistance. Further action could not be taken thereafter due to orders of the Supreme Court with regard to demolition actions, which have since culminated in the judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P.(C) 295/2022 and connected matters]. He submits that action will now be taken consistent with the said judgment after the Graded Response Action Plan-IV restrictions are lifted.

4. In view of the aforesaid, Mr. Dutt does not seek further orders in this writ petition. However, he submits that the construction remains ongoing at the premises. Mr. Mishra states that MCD will inspect the subject property again within the next two days, and if construction is found to be ongoing, a work stop notice will be issued. As no further orders are sought in the writ petition, the writ petition is disposed of.

5. The rights and contentions of any 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.

6. 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 21, 2024

‘pv/JM’/