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

+ W.P.(C) 16157/2024

BABITA

.....Petitioner

Through: Mr.Navit Bansal, Advocate
(Through VC)

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Harshit Chopra, Advocate for
MCD with Mr. Paramjeet Singh,
J.E, Building Department, Rohini
Zone.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.11.2024

1. The petitioner has filed this petition under Article 226 of the Constitution of India, complaining of alleged illegal construction at property bearing House No. 386, Gali No. 9, Mangolpur Kalan, Delhi - 110085.

2. Learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that action has already been taken in respect of the subject property. Pursuant to a show cause notice dated 04.10.2024 a demolition order was passed on 18.10.2024. The demolition action was also scheduled on 18.11.2024 but could not be implemented due to imposition of Graded Response Action Plan-IV ["GRAP"] restrictions on construction and demolition of buildings in the wake of severe air pollution conditions. Learned counsel states upon instructions

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that further action consequent upon the demolition order will be taken as expeditiously as possible after the lifting of GRAP and subject to availability of the police force. A copy of the order dated 18.10.2024 has been handed up in Court and taken on record.

3. In view of the above, learned counsel for the petitioner does not seek any further order in the writ petition which stands disposed of.

4. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements 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].

5. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any owners/occupants of the subject property, whose rights and remedies, available in law are expressly reserved.

6. In the event the petitioner has any further grievance with regard to unauthorised construction, she 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].

NOVEMBER 21, 2024
'SV/kb'/

PRATEEK JALAN, J