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

+ W.P.(C) 16147/2024 and CM APPL. 67874/2024

RAJ KUMAR

.....Petitioner

Through: Mr.Sunil Prasad, Advocate

versus

MUNICIPAL CORPORATION OF DELHI THROUGH

ITS DEPUTY COMMISSIONER & ORS.

.....Respondents

Through: Mr.G.S.Oberoi, ASC with Mr.J.S.
Oberoi, Advocate for DDA

Mr.Manoj Kumar Tyagi, SPC with
Mr.Shekhar Tyagi, Advocate for
R-2/UOI

Mr.Arjun Mahajn, Ms.Neha Rai
and Mr.Apoorv Upanayan,
Advocate for MCD

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 in property Nos. *D-1/144A* , *D-1/144A/04* ,*D- 1/144A/4A*, *Goyal Farm*, *Block-D-1*, *Badarpur Extn.* ,*Tajpur Road*, *Delhi -110044*.

2. Mr. Arjun Mahajan, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice submits that action has already been taken in respect of the subject property. Pursuant to a show cause notice dated 01.04.2024, a demolition order was passed on 10.04.2024, with regard to the basement and ground floor of the property.

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A second show cause notice was issued on 08.07.2024, in which the first floor is also mentioned, and a second demolition order has been passed on 16.07.2024. Mr Mahajan further states that a work stop notice has been issued on 09.07.2024 and a sealing order has also been passed on 08.08.2024. The sealing action took place on 09.10.2024. Mr. Mahajan states that further action in accordance with law will be taken as expeditiously as possible, subject to availability of the police force and after the Graded Response Action Plan-IV restrictions on construction and demolition of buildings in the wake of severe air pollution conditions, are lifted. The copies of the aforesaid orders have been handed up in Court and taken on record.

3. In view of the above, Mr. Sunil Parsad, 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, 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
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