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

+ W.P.(C) 16271/2024 & CM APPL. 68488/2024

GAURAV SAINI

.....Petitioner

Through: Mr. Subhash Chand Bhudhiraja,
Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS.

.....Respondents

Through: Ms. Shilpa Ohri, ASC for MCD.
Mr. Rajesh Kumar, CGSP with
Mr. Aakash Kumar, Advocate for
R-9/SHO.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.11.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, with respect to alleged unauthorised construction in three properties stated to be in vicinity of his residence, i.e., *property Nos. 492, 493 and 494, Hardev Puri, Gautam Nagar, New Delhi-110049*.

2. Ms. Shilpa Ohri, learned Additional Standing Counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that the properties have been inspected and the construction in property No. 494, *Hardev Puri, Gautam Nagar, New Delhi-110049* has been found to be unauthorised. MCD has, therefore, booked the property on 12.09.2024 and 20.11.2024 and has issued show cause notices to the owners/occupants, copies whereof have been handed



over in Court and are taken on record. Ms. Ohri states that further action will be taken expeditiously, if required, after consideration of the reply to the show cause notice received from the owners/occupants of the property, if any.

3. As far as property Nos. 492 and 493, Hardev Puri, Gautam Nagar, New Delhi-110049 are concerned, Ms. Ohri submits that no unauthorised construction has been found, and suggests that the petitioner may be directed 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.*].

4. The STF is headed by the Vice-Chairman, Delhi Development Authority and consists of representatives of all the agencies responsible for coordinated action in respect of unauthorised construction in Delhi. At the first instance, I am of the view that Ms. Ohri’s suggestion is merited, and the petitioner should be relegated to his administrative remedies. The STF will be in a position to examine the case of each property on facts. Such a course will also be in consonance with 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].

5. Having regard to the above, the petition is disposed of with liberty to the petitioner to approach the STF for appropriate directions. This direction is made without prejudice to the rights and contentions of the owners/occupants of the properties in question, whose remedies are also expressly reserved. MCD is directed to proceed strictly in accordance with law and also to bear in mind the judgment of the Supreme Court dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

6. In respect of property No. 494, Hardev Puri, Gautam Nagar, New Delhi-110049, MCD has already booked the property and is proceeding in accordance with law. Nothing in this order shall be construed as inhibiting the MCD from proceeding in accordance with law pursuant thereto, or as pre-empting any rights and remedies that the owners/occupants of the said properties may have.

7. The writ petition, alongwith the pending application, stands disposed of with these observations.

PRATEEK JALAN, J

NOVEMBER 25, 2024

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