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

+ W.P.(C) 16360/2024 & CM APPL. 69024/2024 (*stay*)
ANURAG ROHATGIPetitioner
Through: Appearance not given.

versus

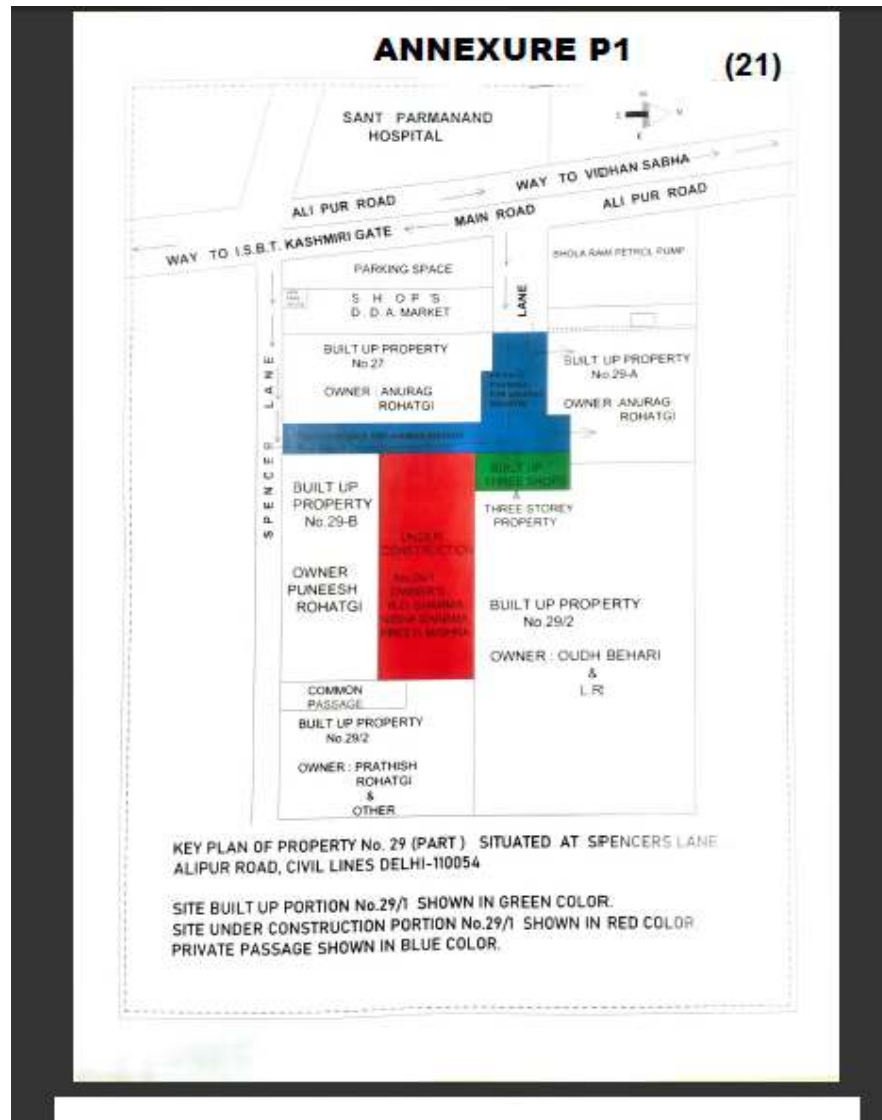
MUNICIPAL CORPORATION OF DELHI
AND OTHERSRespondents
Through: Mr. Puneet Yadav, ASC for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.11.2024**

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged unauthorised construction and misuse of property bearing *No. 29/1 Alipur Road, Civil Lines Delhi 110054* [“subject property”].
2. A site plan has been filed with the writ petition as Annexure P-1, which is reproduced below:



3. It is the contention of the petitioner that the respondent Nos. 4, 5, and 6 are in the process of erecting construction on the portion of the subject property coloured in red, whereas three shops have already been constructed and are operational contrary to law, in the portion coloured in green.

4. Mr. Puneet Yadav, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the subject



property has been inspected and the construction has been found to be unauthorised. A show cause notice has been issued to the owners/occupants of the subject property on 15.10.2024, and a demolition order has been issued on 24.10.2024. A work stop notice has also been issued on 15.10.2024. Mr. Yadav states that demolition action was earlier scheduled but could not be taken for want of police force and that demolition action will be taken expeditiously in accordance with law upon lifting of the Graded Response Action Plan-IV restrictions.

5. As far as the misuse of the subject property is concerned, Mr. Yadav states that the property has been booked by a show cause notice issued today, and sealing action has also been initiated. He states that further action will be taken upon consideration of the reply to the show cause notice, if any.

6. In view of the aforesaid statements on behalf of MCD, it appears that the grievances of the petitioner are receiving the attention of the statutory authorities. No further orders are therefore required in this writ petition, which stands disposed of, alongwith the pending application.

7. The rights and contentions of the 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, and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

8. In the event the petitioner has any further grievances 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 26, 2024

“Bhupi/JM”/