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

+ W.P.(C) 16314/2024

TARUN CHOUDHARY

.....Petitioner

Through: Mr. Hemant Choudhary, Ms. Pooja Marwah, Ms. Jyoti Mandal & Mr. Vijay Tiwari, Advocates. [M:- 9891384449]

versus

MUNICIPAL CORPORATIONS
OF DELHI & ORS.

.....Respondents

Through: Mr. Umakant Mishra, ASC with Mr. Madan Lal & Mr. Puneet Yadav, Advocates for R-1 & 2 with Mr. Arun Rawat, AE, Shahdara North Zone.
Mr. Tushar Sannu, Advocate for R-3.
Mr. Moksh Arora & Mr. Santosh Ramdurg, Advocates for BSES.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged illegal construction in property No. 1/5735, Street No. 16, Balbir Nagar, Shahdara, Delhi-110032.

2. Mr. Puneet Yadav, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the construction on the subject property has been undertaken in terms of a



sanctioned plan. However, upon inspection yesterday, excess coverage or deviation has been found on the ground floor, first floor and second floor. Mr. Yadav states that a show cause notice has been issued to the owners/occupants of the property on 25.11.2024, and an FIR has also been registered. The documents are handed over in Court and are taken on record. Mr. Yadav submits that further action will be taken expeditiously in accordance with law after considering a reply to the show cause notice, if any.

3. In view of the above, Mr. Hemant Choudhary, learned counsel for the petitioner, does not seek further orders in this writ petition, which stands disposed of.

4. The rights and contentions of respondent No. 4, and any other owners/occupants of the subject property, are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements. It will also bear 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. 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 26, 2024

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