



\$~48

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

+ W.P.(C) 16458/2024
MOHD AFZAL

.....Petitioner

Through: Mr. Shabhat Hussain, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Raunak
Mishra, Advocates for MCD.
Mr. Sahil Munjal, Ms. Reha
Gandhi, Advocates for R-2 with SI
Bijender, PS - Jama Masjid.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
28.11.2024

%

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal construction in property bearing No. 491, Gali Matia Mahal, Jama Masjid, Delhi - 110006 [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, submits that upon inspection of the subject property, the construction in the property was found to be unauthorised. A show cause notice has been issued to the owners/occupants of the subject property on 11.10.2024. After consideration of the reply to the show cause notice, a demolition order



has already been passed on 24.10.2024, but has not been implemented due to the imposition of Graded Response Action Plan [“GRAP”] – IV restrictions on construction and demolition of buildings. He states that further action, in accordance with law, will be taken expeditiously upon lifting of the GRAP-IV restrictions.

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

4. 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].

5. 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 28, 2024
“*Bhupi/JM*”/