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

+ W.P.(C) 16479/2024 & CM APPLs. 69521-22/2024

BALBIR SINGH

.....Petitioner

Through: Mr. Ankit Singh Sinsinwar, Mr.
Ravi Kumar, Mr. Inderjeet,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ANR.

.....Respondents

Through: Mr. Chetanya Singh, Mr. Chetan
Sharma, Advocates for MCD.
Mr. Raj Kumar Yadav, Advocate
for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, seeking action in respect of alleged unauthorised construction in property No. Q-2/7, Khasra No. 79/10, Village Pooth Kalan, Budh Vihar, Delhi [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that unauthorised construction has been found in the subject property upon inspection and a show cause notice has been issued to the owners/occupants of the subject property today. He submits that action, in accordance with law, will be taken after



considering the reply to the show cause notice, if any.

3. Learned counsel for the petitioner states that construction was ongoing in the property until 16.11.2024. Learned counsel for the MCD submits that, upon inspection, no ongoing construction was found, but that may be because of restrictions imposed under the Graded Response Action Plan – IV [“GRAP-IV”]. In any event, learned counsel for MCD states that the property will be inspected again after lifting of GRAP-IV restrictions and if any construction is found ongoing, without a sanction plan, a stop work notice will be issued.

4. In view of the above submissions on behalf of the MCD, no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

5. The rights and contentions of the 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, 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].

6. 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].

NOVEMBER 28, 2024
“*Bhupi/kb*”/

PRATEEK JALAN, J