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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16506/2024 & CM APPL. 69738-69739/2024

SH. ABID

.....Petitioner

Through: Ms. Sana Ansari and Mr. I Ahmed,
Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Ms Ankita Sarangi, Advocate for
MCD.
Mr. G.S. Oberoi, ASC DDA and
Mr J.S. Oberoi, Advocate.
Mr. Amit Gupta, SPC with Mr.
Vidur Dwivedi, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, in respect of alleged illegal and unauthorised construction in property bearing *T-290*, situated at *Gali Pahar Wali, Near Al-Quresh Masjid, Qasabpura, Delhi-110006* [“subject property”].

2. Ms Ankita Sarangi, learned counsel for the Municipal Corporation of Delhi [“MCD”], states that the property has been identified from the photographs annexed at Annexure P-3 to the writ petition, as property No. T-292 rather than property No. T-290. As far as property No.T-290 is concerned, she submits that no construction was found to be ongoing upon inspection. However, construction at property No.T-292 was found



to be unauthorised. A show cause notice was served on 12.11.2024, and a demolition order has been passed on 26.11.2024. She also submits that a work stop notice has been issued on 12.11.2024. She submits that further action will be taken expeditiously in accordance with law within a period of eight weeks from today, subject to the availability of police force.

3. Ms. Sana Ansari, learned counsel for the petitioner, submits that she has been instructed that work was ongoing at the site even last week. As far as this aspect is concerned, MCD is directed to inspect the property again within the next one week, and take further necessary action if construction remains ongoing.

4. In view of the above, Ms. Ansari does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending applications.

5. The rights and contentions of any 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* [WP (C) 295/2022 and connected matters].

6. 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

DECEMBER 9, 2024
SS/JM/