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

+ W.P.(C) 16581/2024 & CM APPL. 70094/2024

ARTI CHAUDHARY

.....Petitioner

Through: Mr. Jitender Bharti, Mr. Deepak
Goel, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Sanjeev Sabharwal, SC with
Ms. Shweta Singh, Advocate for
MCD.

Mr. Sanjay Katyal, SC for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.12.2024

1. The petitioner, who claims to be resident of *flat No. 6083, Sector-C, Pocket-6, Vasant Kunj, New Delhi – 110070*, has filed this petition under Article 226 of the Constitution for the following reliefs:

“i). issue a writ order or direction in the nature of mandamus or any other writ, directing to the respondent no. 1 to 3 to restrain them from installing the proposed SBI - ATM in the scooter garages of Flat No. 6085 & 6087, belonging to respondent no. 4 and restore the same into its original position as per their original layout plan.

ii). Pass any other or further order as just deem fit and proper in the facts and circumstances of the case.”

2. Mr. Sanjeev Sabharwal, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that MCD has not given any permission for alteration in the



two scooter garages in question, so as to merge them or for use of the said scooter garages for the purposes of an ATM. He submits that MCD proposes to issue a show cause notice to the owners/occupants of the said two scooter garages in the course of the day and will take further action expeditiously in accordance with law, upon considering the reply to the show cause notice.

3. Learned counsel for the petitioner submits that in view of the above statement on behalf of MCD, no further orders are required in this writ petition, which stands disposed of, alongwith pending application.

4. The aforesaid orders are passed without prejudice to the rights and contentions of the owners/occupants of the premises or of the State Bank of India which, according to the petitioner, is installing the ATM in question.

5. MCD is directed to act only after issuing notice to the owners/occupants and if any permission has been granted for installation of the ATM to take that into consideration.

6. 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].

7. In the event the petitioner has any further grievances with regard to unauthorised construction, she 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 2, 2024
'Bhupi/Kb'/'