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

+ W.P.(C) 16672/2024

SATENDRA YADAV

.....Petitioner

Through: Mr. Chuman Mandal, Advocate.

versus

M.C.D AND ORS.

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in property *No. E-62-63, Jawahar Park, Devli Road Khanpur, New Delhi – 110062* [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that upon inspection of the subject property, unauthorised construction was found and the property has been booked on 06.11.2024. He states that a demolition order will be passed after considering the reply to the show cause notice, if any, and further consequential action will be taken in accordance with law and after lifting of Graded Response Action Plan-IV [“GRAP-IV”] restrictions, and subject to the availability of police force. Learned counsel further states that a work stop notice has also been issued on



08.11.2024.

3. In view of the aforesaid submissions on behalf of MCD, Mr. Chuman Mandal, learned counsel for the petitioner, does not seek any further orders in this writ petition except to state that, according to the petitioner, construction work is continuing at the site even now despite the work stop notice and GRAP-IV restrictions.

4. Learned counsel for the MCD submits that MCD will inspect the property again within the next three days and take necessary action if any construction work found to be ongoing.

5. The writ petition is disposed of in terms of the above directions.

6. 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].

7. 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

DECEMBER 3, 2024
“*Bhupi/JM*”/